

PROSECUTING ATTORNEY - Duty to pay over fees.

February 4, 1935



Honorable G. R. Breidenstein
Prosecuting Attorney
Clark County
Kahoka, Missouri

Dear Sir:

We have your request for an opinion under date of January 18th, 1935, as follows:

"I would like to have the opinion of your department in regard to whether it is permissible for the Prosecuting Attorney to retain fees for the conviction of defendants in Criminal Cases.

"Section 11783 of the Revised Statutes of 1929 prescribe fees due the Prosecuting Attorney for convictions in certain cases. I find no law requiring him to turn these fees over to the county or state.

"Please let me know whether the Prosecuting Attorney has a right to retain these fees and if not what disposition he should make of them.

"The population of this county is under 11,000."

#2 - Honorable G. R. Breidenstein

The salary of the prosecuting attorney is now fixed by Section 11314, Laws Mo. 1933, p. 178.

Section 11315, R. S. Mo. 1929 makes it the duty of the prosecuting attorney to charge and collect for the county every fee that accrues in his office, and at the end of each month pay over said fees to the county treasury.

It is, therefore, the opinion of this office that it is the duty of the prosecuting attorney to collect and pay over all fees of his office to the county treasury, monthly.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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