

INSANE POOR PATIENTS:

SHERIFF'S FEES : For transporting insane poor patients.

March 22, 1935.

3-27



Mr. Archie E. Odell
Sheriff of Ray County
Richmond, Missouri

Dear Mr. Odell:

This is to acknowledge receipt of your letter of March 7th in which you request the opinion of this Department as to fees you are entitled to as Sheriff, for transporting an insane poor patient to the State Hospital, and also as to whether you are allowed assistance in violent cases.

Under the provisions of Section 8636, R. S. Mo. 1929, the county court shall have power to send to the state hospital such of their insane poor as may be entitled to admission thereto.

The county court may, upon a hearing, under Section 8647, R. S. Mo. 1929, cause a suitable order to be entered of record sending said insane poor patient to a designated state hospital. Such order shall further set forth that the person found to be insane is a fit subject to be sent to the state hospital and the clerk of the court forthwith forward a certified copy of said order to the superintendent of the hospital, accompanying the same with the request of admission of the person found to be insane to the hospital.

Under Section 8649, R. S. Mo. 1929, the clerk of the county court shall forthwith transmit to the superintendent of the state hospital a copy of such order and the clerk shall thereupon, in due season, for the conveyance of such person to the hospital by the appointed time, issue his warrant to the sheriff of his county, or any other suitable person, commanding him forthwith to arrest

such insane person and convey him to the state hospital designated in the order. And said section further provides that if the clerk be satisfied of its necessity, he may authorize one or more assistants to be employed to assist in taking the patient to the hospital.

Under Section 8650 R. S. Mo. 1929, the relatives of the insane person shall have the right, if they choose, to convey him to the hospital. In such case, the warrant shall be directed to one of them and the person to whom it is directed and his assistant shall, if demanded, receive the same compensation allowed for the like services to the sheriff. The compensation for transporting an insane person to the hospital, is fixed by Section 8662 R. S. Mo. 1929, as amended by Laws of 1933 at page 408, which amended section is as follows:

"To the Sheriff or other person, for taking a patient to a state hospital or removing one therefrom, upon the warrant of the Clerk, mileage going and returning, at the rate of ten cents per mile, and \$1.00 per day for the support of each patient on his way to or from the hospital shall be allowed: to each assistant allowed by the clerk and accompanying the Sheriff, or other person acting under the warrant of the clerk, \$4.00 per day for the time actually consumed in making said trip, said sum to include all expenses of such assistant. The computation of mileage in each case is to be made from the place of arrest to hospital by the nearest route usually traveled. Provided, that the said Sheriff shall furnish all necessary means of transportation without charge other than as above allowed. The cost specified in this Section shall be paid out of the County Treasury of the proper county."

It is, therefore, the opinion of this Department that the sheriff, or other suitable person, for transporting an insane poor patient to the State Hospital, under order of the County Court, is entitled to mileage at the rate of ten cents per mile

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each way from the place of arrest to the state hospital by the nearest route usually traveled, and in addition thereto he is entitled to \$1.00 per day for the support of each patient on his way to or from the hospital; if the clerk of the court is satisfied of its necessity he may authorize one or more assistants to be employed to assist the sheriff, or other suitable person, in transporting the patient, which assistant, or assistants, shall receive \$4.00 per day each for the time actually consumed in accompanying the sheriff, or other suitable person, on said trip, said sum to include all expenses of such assistant. The sheriff shall furnish all necessary means of transportation in transporting a patient to the hospital and said fees and compensation shall be paid out of the County Treasury of the proper county.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

CRH:LC