

SHERIFF: Fee for committing a person to jail

6-29
June 29, 1935



Mr. Roy Uhrmacher
Sheriff Livingston County
Chillicothe, Missouri

Dear Sir:

This will acknowledge receipt of your letter requesting an opinion, which reads as follows:

"I would like to get an opinion on the sheriff's fees for committing or taking to jail. Under Section 11791 R. S. Mo. 1929. Fees of sheriffs, marshals and other officers. It states that the sheriff's fees for committing any person to jail are \$1.00, and in all cases that have been paid by the state this fee has been deducted."

Under the provisions of Section 11791 R. S. Missouri 1929, it is plain that a sheriff is entitled to a fee of one dollar for committing any person to jail. In the case of Thomas v. County of St. Louis 61 Mo. l. c. 548, the court defines 'committing any person to jail' as follows:

"The words, 'committing any person to jail,' relate to the execution by the sheriff of an order or warrant of commitment made or issued by some officer exercising judicial functions."

Mr. Roy Uhrmacher

-2-

June 29, 1935

In view of the above, it is the opinion of this office that a sheriff is entitled to a fee of one dollar for committing any person to jail, on order or warrant of commitment made or issued by some officer exercising judicial functions.

Very truly yours,

J. E. TAYLOR
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

JET:LC