

CRIMINAL COSTS: In change of venue cases, where a cause is transferred from one county to another and a defendant is convicted in the latter county and sentenced to a term in the county jail, the expense and upkeep of such prisoners shall be borne by such county from whence the cause was transferred.

8/14
August 14, 1936.



Mr. Leonard Manze
Clerk of the County Court
Howell County
West Plains, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads as follows:

"In regard to collecting board bills of prisoners from other counties: a case comes to Howell County from another county on change of venue and the defendant is tried by a jury and found guilty and punishment assessed at imprisonment in the county jail for one year. The County Court sends the defendant to the county farm to serve out said sentence. This county allows 60¢ per day for feeding prisoners while in jail. The county also feeds them while on the farm. Can Howell County collect the 60¢ per day board bill from the other county the same as if he had been in jail all the time?"

Your attention is directed to Section 3846, R. S. Mo. 1929, relating to costs in cases wherein a change of venue has been granted. It reads as follows:

"In any criminal cause in which a change of venue is taken from one county to any other county, for any of the causes mentioned in existing laws, and whenever a prisoner shall, for any cause, be confined in the jail of one county for an offense committed

in another county, and in which costs are liable to be paid out of a county treasury, such costs shall be paid by the county in which the indictment was originally found or the proceedings were originally instituted; and in all cases where fines are imposed upon conviction under such indictments or prosecutions, or penalties or forfeitures of penal bonds in criminal cases are collected by civil action or otherwise, payable to the county, such fines, penalties and forfeitures shall be paid into the treasury of the county where such indictment was originally found or such prosecution originally instituted, for the benefit of the public school fund of the county."

The above statute plainly states that, whenever a prisoner shall, for any cause, be confined in the jail of one county for an offense committed in another county, the costs for the upkeep of said prisoner shall be borne by the county in which the indictment was originally found or the proceedings were originally instituted.

In the instant case, the costs for the upkeep of the defendant in your county shall be borne by the county from whence said defendant came.

CONCLUSION.

It is the opinion of this department that your county may collect the 60¢ per day board bill from the other county for the upkeep of said defendant.

Very truly yours,

RUSSELL C. STONE
Assistant Attorney-General.

APPROVED:

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

RCS/afj