

JUVENILE COURT: Deputy probation officers in Jackson County may receive not to exceed \$3,000.00 per annum; Clerks and stenographers may receive not less than \$1500.00 nor more than \$2400.00 per annum; all of said salaries to be set by the Circuit Court.

August 20, 1945



Hon. Ray G. Cowan
Judge of the Circuit Court
Kansas City, Missouri

Dear Judge Cowan:

We have your letter of the 11th which reads as follows:

"I am having some dispute as to the interpretation of Section 9683, Special Laws of Missouri, of 1943, on Page 350, pertaining to the salaries of probation officers, deputies, clerks, and stenographers. Jackson County would come under the heading of 'Population of Counties 400,000 to 600,000 Inhabitants.'

I should appreciate your interpretation of this section as to the amount of salary the Juvenile Court is able to pay to deputy probation officers; also, the salary that can be paid clerks and stenographers under this section."

Section 9683, P 350, Laws of Missouri 1943, in so far as it pertains to the salaries inquired about in your letter reads as follows:

"* * * * Each deputy probation officer shall receive such salary as may be prescribed by the circuit court or the criminal court when constituted as a juvenile court under this article, not to exceed two thousand dollars per annum in counties of 600,000 inhabitants and over; Provided, the supervising officer assigned to courts of domestic relations may receive not to exceed three thousand dollars per annum; not to exceed three thousand dollars per annum in counties of 400,000 and less than 600,000 inhabitants; not to exceed two thousand dollars per annum in counties of 200,000 and less than 400,000 inhabitants; not exceeding twelve hundred dollars per annum in counties of 90,000 and less than 200,000 inhabitants; not exceeding eight hundred dollars per annum in counties of 50,000 but less than 90,000 inhabitants. In all counties

having a population of over 400,000 and less than 600,000 inhabitants, the circuit court or the criminal court when constituted as a juvenile court under this article, may appoint necessary clerks and stenographers who shall receive a salary of not less than fifteen hundred dollars nor more than twenty-four hundred dollars per annum. The salaries of the probation officer and his deputies, and clerks and stenographers appointed under this section, shall be payable monthly out of the funds of the county. Actual disbursements for necessary expense, exclusive of office expenses, made by probation officers while in the performance of their duties, shall be reimbursed to them out of the county funds after approval by the judge of the juvenile court; but no officer shall be allowed for such disbursements a greater sum than two hundred dollars in any one year."

We do not see where there is any ambiguity in the foregoing statute. Where there is no ambiguity in the language of a statute, there is no place for interpretation. In *St. Louis Amusement Company vs. St. Louis County*, 147 S.W. (2) 667, 669, the Court in passing upon a statute said:

"We need not conjecture as to the intent of the legislature in creating this exemption because we find the language of the statute is plain. And where the language of a statute is plain and unambiguous it may not be construed. It must be given effect as written."

In *St. Louis etc. vs. Unemployment Compensation Commission* 159 S.W. (2) 249, 250, the Supreme Court in discussing a statute said:

"Where there is no ambiguity there is no need for either a liberal or strict construction."

The language of Section 9683, supra, seems very plain as to the salaries inquired about in your letter. It provides that in counties of 400,000 to 600,000 population each deputy probation officer shall receive such salary as may be prescribed by the Court which is the Juvenile Court in that county, not to exceed \$3,000.00 per annum. The amount of the salary for such officer in the different classes of counties was a matter for the legislature to determine,

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and when it clearly and plainly stated what the salaries should be, the question is settled.

Likewise, said section clearly provides a minimum and maximum salary for clerks and stenographers in counties of 400,000 to 600,000. Said section provides that the salaries of such clerks and stenographers shall not be less than \$1500.00 nor more than \$2400.00 per year. There is no ambiguity in the language of said statute with respect to the compensation of clerks and stenographers appointed by the Juvenile Court, and hence no room for interpretation of the statute.

CONCLUSION

It is, therefore, the opinion of this office (1) that in Jackson County each deputy probation officer may receive such salary as the Circuit Court may prescribe, not to exceed \$3,000.00 per year; (2) and that in Jackson County clerks and stenographers appointed by the Circuit Court to assist in the juvenile branch of said court may receive such salaries as the Circuit Court may prescribe between a minimum of \$1500.00 and a maximum of \$2400.00 per annum.

Yours very truly,

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APPROVED:

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HHK:CP