

SHERIFFS:
COUNTY COURT:

County Court authorized to pay sheriff mileage expense incurred in criminal case at the end of each month.

July 25, 1951.

Honorable Weldon W. Moore,
Prosecuting Attorney,
Texas County,
Houston, Mo.



Dear Sir:

This will acknowledge receipt of your letter of recent date requesting an opinion from this office on the following question:

"I should like your opinion as to the time the County Court should pay criminal mileage to the Sheriff. The Court desires to know if criminal mileage should be made to the Sheriff at the end of each month or if it should be paid upon consummation of the case."

Your attention is directed to sections 57.430 and 57.440, RSMo 1949, dealing with the payment of salaries and travel allowances to sheriff and reading as follows:

"In addition to the salary provided in sections 57.390 and 57.400, the county court shall allow the sheriffs and their deputies, payable at the end of each month out of the county treasury, actual and necessary expenses for each mile traveled in serving warrants or any other criminal process not to exceed five cents per mile."

"All salaries provided in sections 57.390 and 57.400 shall be paid out of the county treasury in monthly installments at the end of each month by warrant drawn by the county court upon the county treasury. Claims for reimbursement for travel shall be submitted to the county court monthly and paid at the end of the month by warrant drawn on the county treasury by the county court."

Under these sections it appears to have been the intention of the legislature that the salary and travel expense of sheriffs in the various counties should be paid monthly. From a reading of these sections it does not appear to have been the intention of the

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legislature that a sheriff should not be paid mileage allowance due him in criminal cases until after a case was consummated.

CONCLUSION.

It is, therefore, the opinion of this office that the county court is authorized to pay mileage expense accruing to the sheriff in criminal cases at the end of each month, and the county court is not authorized to withhold payment of such mileage expense until the consummation of a pending case, if a valid claim for mileage expense is submitted by the sheriff.

Respectfully submitted,

JOHN E. MILLS,
Assistant Attorney-General.

APPROVED:



J. E. TAYLOR
Attorney General.

JEM/ld