

SHERIFF, MILEAGE: The sheriff is entitled to mileage at the rate of ten cents per mile for taking a patient to a state hospital.

October 3, 1951

10/4/51

Mr. Jeremiah Nixon  
Assistant Prosecuting Attorney  
Jefferson County  
Hillsboro, Missouri

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Dear Mr. Nixon:

We have given careful consideration to your request for an opinion, which request is as follows:

"The Sheriff of Jefferson County, Missouri, recently took a girl from this County to the State Institution for the feeble minded at Fulton, Missouri. This girl had been adjudicated of unsound mind. Please advise as to whether the Sheriff can submit a bill to the County Court of Jefferson County, Missouri, for his costs in this matter and if so, how much per mile does the law allow in this situation."

We assume from the wording of your letter that the girl taken by the sheriff to the state hospital at Fulton, Missouri, was a patient of Jefferson County.

Section 202.440, RSMo 1949, 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 one dollar 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, four

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dollars 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."

We fail to find any court interpretations of this statute, but the wording of the law is clear. The problem stated in your letter is resolved by application of this section of the statutes.


CONCLUSION

It is the opinion of this office that the sheriff of Jefferson County may submit a bill to the county court for expenses incurred in taking a county patient to the state hospital at Fulton, Missouri, and is entitled to mileage at the rate of ten cents per mile as provided in Section 202.440, RSMo 1949.

Respectfully submitted,

B. A. TAYLOR  
Assistant Attorney General

APPROVED:

  
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J. E. TAYLOR  
Attorney General

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