

Opinion No. 277 Answered by Letter
(Stephan)

August 7, 1963



Honorable Don F. Whitcraft
Prosecuting Attorney
Cass County
Harrisonville, Missouri

Dear Mr. Whitcraft:

This is in response to your recent request for an opinion of this office as to whether peace officers in various towns within your county may receive mileage fees from the county when they are assisting your sheriff in the performance of his duties.

In a recent opinion request answered by letter of advice, we held that Section 57.250, R.S.Mo. 1959, provided the exclusive method of effecting reimbursement of those who assist a sheriff in a county of the third or fourth class in the performance of his duties. That is to say, the men referred to in your letter may be appointed deputy sheriffs by the procedure outlined in Section 57.250. (See letter of advice to Robert P. C. Wilson, I.I, dated December 21, 1962, which is attached herewith.) Such an appointment would then qualify the men for compensation as deputies as well as the mileage fees provided for in Section 57.430, Cum. Supp. 1961.

For the sake of completeness, one additional aspect of the problem should be considered: that of incompatibility between the offices presently held and the status of deputy sheriff. Our research fails to reveal any statutory prohibition against such a dual status; and, although we do not have access to the city ordinances which create the positions now held, it seems unlikely that any incompatibility will arise in fact or practice. However, this is an area which you may consider in formulating your advice to the county court.

Honorable Don F. Whitcraft

-2-

August 7, 1963

To assist you in this regard we are forwarding herewith copies of two opinions issued by this office on the subject of compatibility of offices.

We trust that the foregoing adequately disposes of your question.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

Encs. Opinion, January 16, 1941, to
Mr. Fred Keller, Sheriff

Opinion, November 17, 1950, to
Honorable G. Logan Marr

Letter, December 21, 1962, to
Robert P. C. Wilson, III