CORONERS:
PROSECUTING ATTORNEYS:
PHOTOGRAPHS:
COUNTY BUDGET:

(1) The Coroner of a 3rd class county, a photographer, could not be paid out of county funds, as a coroner for photographs taken at the scene of a crime;
(2) the Prosecuting Attorney is authorized to spend whatever is necessary in preparation of cases for trial subject to budget provisions of statutes.

OPINION NO. 183

June 28, 1966

FILED
183

Honorable Bill D. Burlison
Prosecuting Attorney
Cape Girardeau County
Cape Girardeau, Missouri 63701

Dear Mr. Burlison:

We are in receipt of your opinion request of February 12, 1966, which is as follows:

> "The Coroner of Cape Girardeau County is a professional photographer. At my request, he takes photos in the course of his investigations, when he feels there is a reasonable probability of a crime having been committed.
>
> "My office hereby formally requests your opinion on the following questions, to-wit:
>
> "1. Is the coroner entitled to receive from the County his normal professional compensation for the services thus rendered?
>
> "2. If the answer to the above question is "No", is the Coroner entitled to his reasonable expenses in providing this service?
>
> "These questions presumably will require interpretation of the pertinent sections of Chapter 58, Missouri Revised Statutes."

We find nothing in the statutes authorizing a coroner of a third class county to charge for the pictures he takes at the scene of a crime.

Honorable Bill D. Burlison

Section 58.110 Laws of 1961, provides that a coroner in a county of a third class, having a population of over 30,000 is to receive a salary of $1200.00 annually. Section 58.120 provides that he may receive 10 cents a mile for each mile necessarily traveled in the performance of his duties.

You state that the present coroner is a professional photographer and that he takes pictures at your request, in the course of his investigations.

It would appear to us that these are extremely helpful to you in your investigation, as prosecutor, and we see no reason why the expense of these pictures would not be a legitimate charge of your office.

We are attaching official opinions issued under date of January 23, 1947, to James L. Paul, and August 7, 1951, to R. M. Gifford, which hold that the Prosecuting Attorney may be reimbursed for necessary expenses in investigation of crimes.

It is our opinion that the Prosecuting Attorney would have a right to expend public funds if the amount was budgeted, and necessary for him to properly prepare a case for trial.

CONCLUSION

It is the opinion of this office that the coroner of a third class county, a professional photographer, could not be paid out of county funds as a coroner for photographs taken at the scene of a crime, and secondly, the Prosecuting Attorney is authorized to spend whatever amount is necessary, of public funds, in preparing cases for trial, which is one of the specific functions of his office, subject, however, to the budgetary provisions of the statutes.

The foregoing opinion, which I hereby approve was prepared by my Assistant, O. Hampton Stevens.

Yours very truly,

NORMAN H. ANDERSON
Attorney General