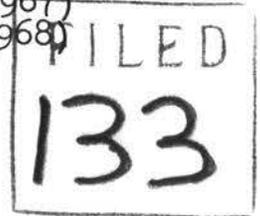


CRIMINAL COSTS:
INDIGENT PERSONS:
POOR PERSONS:

(1) The county is not obligated to pay the medical bills of an indigent defendant who sustains injury during the commission of a crime and is hospitalized for said injury; (2) The county court does have authority to make payment of hospital bills of indigent defendants, but the payment may not be taxed as costs in the criminal case; and (3) Hospital bills incurred by an indigent defendant during the commission of the crime may not be taxed as costs in the criminal case.

OPINION NO. 470 (1967)
133 (1968)

May 2, 1968



Honorable Richard J. Blanck
Prosecuting Attorney
Cooper County
Boonville, Missouri 65233

Dear Mr. Blanck:

This is in response to your opinion request which was stated as follows:

"(1) Is the County obligated to pay the medical bill of an indigent defendant who sustains injury during the commission of a crime and is hospitalized for said injury where no criminal charges are filed against said indigent defendant until shortly prior to his dismissal from the hospital?"

(2) Does the County Court have authority to make payment of hospital bills arising as set forth in question (1), and if they have such authority, and payment is made, may the same be taxed as costs in the criminal case and the County later reimbursed for the same?"

(3) May hospital bills incurred under acts as set out in question (1) be taxed as costs in the criminal case filed after the date of the indigent defendant's admission to the hospital?"

Honorable Richard J. Blanck

Enclosed is a copy of Opinion No. 31, dated January 26, 1965, issued to the Honorable Paul D. Hess, Jr., which was previously issued by this office. This opinion serves to answer your questions numbered 1 and 3 in that it rules that neither the state nor the county can be held liable for these costs.

With regard to question number 2 concerning the authority of the county to pay these costs, it seems that Chapter 205, concerning County Health and Welfare Programs, provides this authority. The specific sections which are applicable are:

"205.580. County to support poor.--
Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants."

"205.610. County court to provide support of poor. -- The county court of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any magistrate of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

"205.620. Court shall use its discretion.--
The county court shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance."

These sections clearly give the county court discretionary authority to pay these medical bills, but if the court does decide to pay, such payments cannot be taxed as costs for the same reasons as are enumerated in the Hess opinion mentioned above.

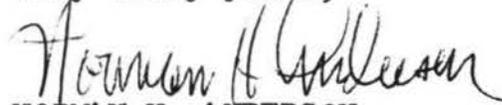
CONCLUSION

Therefore, it is the opinion of this office that: (1) The county is not obligated to pay the medical bills of an indigent defendant who sustains injury during the commission of a crime and is hospitalized for said injury; (2) The county court does have authority to make payment of hospital bills of indigent defendants, but the payment may not be taxed as costs in the criminal case; and (3) Hospital bills incurred by an indigent defendant during the commission of the crime may not be taxed as costs in the criminal case.

Honorable Richard J. Blanck

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Thomas J. Downey.

Very truly yours,



NORMAN H. ANDERSON
Attorney General

Enc--Op. No. 31; Hess; 1/26/65
Op.; Gullie; 10/26/49
Op.; Chamier; 10/12/38
Op.; Smith; 2/28/33