

BAIL BONDS: A member of the Selective Service Board of Jefferson County is not disqualified by his membership therein from acting as a professional surety on bail bonds under Supreme Court Rule 32.14.

September 25, 1969

OPINION NO. 381

Honorable William T. Brooking, Jr.
Assistant Prosecuting Attorney
Jefferson County Courthouse
Hillsboro, Missouri 63050

Dear Mr. Brooking:

This official opinion is issued in response to your request for a ruling asking the following question:

Is a member of the Selective Service Board of Jefferson County qualified to act as a professional surety on bail bonds under provisions of Supreme Court Rule 32.14?

Supreme Court Rule 32.14 is worded thusly:

"An individual shall not be accepted as a surety on any bail bond taken under these Rules unless he possesses the following qualifications:

1. He shall be a reputable person, at least twenty-one years of age and a bona fide resident of the State of Missouri.
2. He shall not have been convicted of any felony under the laws of any state or of the United States.
3. He shall not be an attorney-at-law, a peace officer, a constable or a deputy constable.

Honorable William T. Brooking, Jr.

4. He shall not be an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof.

5. He shall have no outstanding forfeiture or unsatisfied judgment thereon entered upon any bail bond in any court of this state or of the United States."

We assume that your question is directed at subsection (4) of the Rule concerning the disqualification to act as bail bond surety attached to officials or employees of the State of Missouri, in a county or other subdivision thereof. This subsection would not disqualify a member of a local Selective Service Board from acting as a professional bail bond surety, because the members of such boards are not employees of the State of Missouri or any county or political subdivision thereof. To the contrary, 50 U.S.C.A. App. § 460 (b)(3) provides for the creation of local Selective Service Boards by the President which shall become integral parts of the Selective Service System, an agency within the executive branch of the federal government.

As Supreme Court Rule 32.14 reads so that, "An individual shall not be accepted as a surety on any bail bond taken under these Rules unless he possesses the following qualifications . . ." (emphasis added), the qualifications included thereunder, in conjunction with Rule 32.15 as regards solvency and Rule 32.16 concerning the filing of an affidavit, must be considered to be complete. If the member of the Selective Service Board of Jefferson County in question is qualified under the other subdivisions of Rule 32.14 and is solvent under Rule 32.15 and if he files an affidavit in compliance with Rule 32.16, his membership in said Board is not disqualifying under subsection (4) of Rule 32.14.

CONCLUSION

Therefore, it is the opinion of this office that a member of the Selective Service Board of Jefferson County is not disqualified by his membership therein from acting as a professional surety on bail bonds under Supreme Court Rule 32.14.

Honorable William T. Brooking, Jr.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Michael L. Boicourt.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General