

SHERIFFS: Under the provisions of Section 1 of House
DEPUTY SHERIFFS: Bill No. 264 of the 75th General Assembly
(Section 57.295, V.A.M.S.) relating to
uniform allowances of \$25 per month for sheriffs and full-time
deputy sheriffs who wear an official uniform in the performance
of their duties, the county court has the discretion to determine
whether or not such allowances shall be made to such officers
and may make such allowances for such periods as the county court
deems proper. However, the county court does not have the author-
ity to vary the amount of the monthly allowances from that fixed
by the act, nor to provide the allowance for one such officer to
the exclusion of the other such officers.

OPINION NO. 109

January 9, 1970

Honorable George J. Pruneau
Prosecuting Attorney
Wayne County Courthouse
Greenville, Missouri 63944



Dear Mr. Pruneau:

This opinion is in response to your request for an inter-
pretation of Section 1 of House Bill No. 264 of the 75th General
Assembly which pertains to uniform allowances for sheriffs and
full-time deputy sheriffs. That section has been numbered as
Section 57.295 by the Revisor of Statutes.

Your question is as follows:

"Does this Bill mean that it is at the
discretion of the County Court as to
whether or not a uniform allowance may
be paid, or does it mean that the uni-
form allowance shall be paid and it is
at the discretion of the County Court as
to whether payment will be made monthly,
on a salary warrant, etc."

Section 57.295 states:

"In each county of this state the sheriff
and each full-time deputy sheriff shall
receive twenty-five dollars per month, as
a uniform allowance, to be paid to him
monthly out of the county treasury at the
discretion of the county court. This
allowance shall apply only to sheriffs and
deputy sheriffs who wear an official uni-
form in performance of their duty."

Honorable George J. Pruneau

The history of this legislation is interesting; that is, House Bill No. 264, Section 1, upon its introduction related only to such uniform allowances and did not contain any discretionary terminology. In its perfected form the bill stated that the money was payable monthly out of the county treasury "at the discretion of the sheriff". The Senate Committee Substitute for the bill changed the language to "at the discretion of the county court" and this change, of course, was retained in final passage.

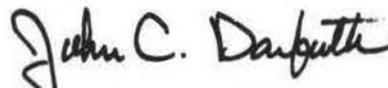
It is our view that it was the intent of the legislature to give the various county courts the option to pay out of the county treasury the uniform allowances as authorized by the provisions of the act. The court may make such allowances for such periods as the court deems proper. However, the terminology employed by the legislature shows that the legislature did not intend that the county court would have the authority to vary the amount of the monthly allowance or to make the allowance for one such officer of the county to the exclusion of the other such officers. The allowance, of course, only applies to such officers who wear an official uniform in the performance of their duties.

CONCLUSION

It is therefore the opinion of this office that under the provisions of Section 1 of House Bill No. 264 of the 75th General Assembly (Section 57.295, V.A.M.S.) relating to uniform allowances of \$25 per month for sheriffs and full-time deputy sheriffs who wear an official uniform in the performance of their duties, the county court has the discretion to determine whether or not such allowances shall be made to such officers and may make such allowances for such periods as the county court deems proper. However, the county court does not have the authority to vary the amount of the monthly allowances from that fixed by the act, nor to provide the allowance for one such officer to the exclusion of the other such officers.

The foregoing opinion, which I hereby approve, was prepared by my assistant John C. Klaffenbach.

Yours very truly,



JOHN C. DANFORTH
Attorney General