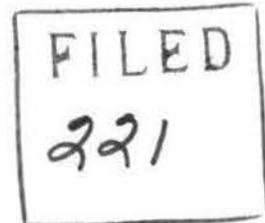


SHERIFFS: Sections 57.407 and 57.409, V.A.M.S., S.B. No.
COMPENSATION: 165, 75th General Assembly, require that sheriffs
of third and fourth class counties pay all fees
collected by them after October 13, 1969, in civil matters into the
county treasury regardless of whether such fees were for services
by them or their predecessors in office prior to such date.

OPINION NO. 221

June 16, 1970

Honorable Haskell Holman
State Auditor
Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Holman:

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

"Paragraph 3 of Section 57.407 states:

'3. In counties of the third class after
October 13, 1969, the sheriff shall pay all
fees collected by him in civil matters, and
which were previously retainable by him,
into the county treasury, except charges
for each mile traveled, allowable to him,
which he may retain, in serving civil pro-
cess.'

"Paragraph 3 of Section 57.409 states:

'3. In counties of the fourth class after
October 13, 1969, the sheriff shall pay
all fees collected by him in civil matters,
and which were previously retainable by
him, into the county treasury, except char-
ges for each mile traveled, allowable to
him, which he may retain, in serving civil
process.'

"Question No. 1:

Honorable Haskell Holman

Are sheriffs of third and fourth class counties entitled to retain civil fees earned on or prior to October 13, 1969 but which fees were not collected and received by them until after October 13, 1969?

"Question No. 2:

Would ex-sheriffs, whose tenure in office terminated on any date prior to the effective date of paragraph 3 of Section 57.407 and 57.409, be entitled to receive and retain civil fees earned by them but which were not collected until after October 13, 1969?"

In our view the provisions of Sections 57.407 and 57.409, V.A.M.S., clearly require that such sheriffs pay all fees collected in civil matters into the county treasury; and therefore, both questions presented must be answered in the negative.

CONCLUSION

It is the opinion of this office that Sections 57.407 and 57.409, V.A.M.S., S.B. No. 165, 75th General Assembly, require that sheriffs of third and fourth class counties pay all fees collected by them after October 13, 1969, in civil matters into the county treasury regardless of whether such fees were for services by them or their predecessors in office prior to such date.

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

Yours very truly,



JOHN C. DANFORTH
Attorney General