

COUNTIES: A county court of a fourth class
SHERIFFS: county is authorized under Section
COUNTY PROPERTY: 49.270, RSMo, to accept donations
of real or personal property on the
condition that such donations be used by the sheriff's office to
perform general patrol duties throughout the county.

OPINION NO. 6

May 2, 1973

Honorable R. J. Gordon
Prosecuting Attorney
Hickory County
Post Office Box 4
Hermitage, Missouri 65668



Dear Mr. Gordon:

This opinion is in response to your request asking:

"May a Sheriff in a fourth class county accept money from any person, firm, or organization to reimburse the Sheriff for general patrol duty throughout the county? The reimbursement would be for reasonable mileage expense for the use of the Sheriff's personal vehicle in law enforcement work."

We find no statutory authority for the sheriff or his office to receive gifts. However, Section 49.270, RSMo, authorizes the county court to accept "or receive by donation any property, real or personal, for the use and benefit of the county."

We held in our enclosed Opinion No. 37, dated November 13, 1951, to Hamilton, that a county may accept title to a building and to equipment which building and equipment provide "hospital and clinic facilities," said property to be operated by the board of trustees of the county hospital in that county and to be a part of said hospital.

We believe that the same reasoning is applicable in this instance and that the county court is authorized to accept donations on the condition that such donations be used by the sheriff's office to enable the sheriff's office to perform general

Honorable R. J. Gordon

patrol duties throughout the county. However, conditions applicable to donations must not be against public policy or in any manner contrary to the laws of this state.

CONCLUSION

It is the opinion of this office that a county court of a fourth class county is authorized under Section 49.270, RSMo, to accept donations of real or personal property on the condition that such donations be used by the sheriff's office to perform general patrol duties throughout the county.

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

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 37
11/13/51, Hamilton