

Prosecutors
COUNTY ATTORNEY'S) The county attorney's commission need not be
COMMISSION:) recorded or filed in any county office.



1-22-53

January 15, 1953

Mr. J. Paul Markway
Chief Clerk
Office of Secretary of State
Jefferson City, Missouri

Dear Mr. Markway:

We have given careful consideration to your request for an opinion, which request is as follows:

"Enclosed is a copy of a letter received from Mildred L. Briscoe, County Clerk, Marion County, Palmyra, Missouri, in which she states she finds nothing in the law that says where the Prosecuting Attorney's Commission shall be recorded.

"It will be appreciated if you will give us the benefit of your opinion in this matter at your earliest possible convenience."

The prosecuting attorney must be commissioned by the governor, as provided in Section 105.020, RSMo 1949, which is as follows:

"The attorney general, prosecuting attorneys, the circuit attorney, the prosecuting attorney and assistant prosecuting attorney for the city of St. Louis shall be commissioned by the governor, and shall hold their offices until their successors are elected, commissioned and qualified."

The secretary of state must keep a record of all such commissions in his office, as required by Section 28.040, RSMo 1949, which is as follows:

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"He shall keep his office at the seat of government; have the safekeeping of the seal of state, and of all public records, including surety bonds except of secretary of state, rolls, documents, acts, resolutions and orders of the general assembly; keep a register of all commissions issued, the official acts of the governor, and, when necessary, attest the same."

We are unable to find any other statute pertaining to the prosecuting attorney's commission, and there seems to be no law requiring his commission to be recorded or filed in any county office.

CONCLUSION

It is the opinion of this office that the prosecuting attorney's commission need not be recorded or filed in any county office.

Respectfully submitted,

B. A. TAYLOR
Assistant Attorney General

APPROVED:

JOHN M. DALTON
Attorney General

BAT/fh