

COSTS: The costs incurred in a criminal case on  
change of venue are payable by the county  
CHANGE OF VENUE: in which the proceedings originated.

JOHN M. DALTON  
XXXXXXXXXX

March 11, 1953



J. C. JOHNSEN  
XXXXXXXXXX

Mr. Frank W. May  
Prosecuting Attorney  
St. Francois County  
Farmington, Missouri

Dear Sir:

We render herewith our opinion based upon your request of March 5, 1953, which request is stated as follows:

"Although Section 550.260 of the Revised Statutes of Missouri for 1949, Paragraph 2 and 3 seem to me to be too clear for any misunderstanding, some of the County Treasurers of other counties keep returning fee bills to our County Treasurer for payment and recording, when such fee bills originated in the other counties in criminal cases that have come to this county on changes of venue.

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"I would appreciate a formal opinion from your office which our Treasurer can use to guide his future dispositions of these fee bills."

Your letter indicates that you and the county treasurer of St. Francois County conceive Section 550.260, RSMo 1949, to be the statute controlling the payment of costs incurred after a change of venue is granted the defendant in a criminal case.

We believe that Sections 550.120 and 550.130, RSMo

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1949, are the controlling statutes. These sections read:

"550.120. Costs in change of venue. - In any criminal cause in which a change of venue is taken from one county to any other county, for any of the causes mentioned in existing laws, and whenever a prisoner shall, for any cause, be confined in the jail of one county for an offense committed in another county, and in which costs are liable to be paid out of a county treasury, such costs shall be paid by the county in which the indictment was originally found or the proceedings were originally instituted; and in all cases where fines are imposed upon conviction under such indictments or prosecutions, or penalties or forfeitures of penal bonds in criminal cases, are collected, by civil action or otherwise, payable to the county, such fines, penalties and forfeitures shall be paid into the treasury of the county where such indictment was originally found or such prosecution originally instituted, for the benefit of the public school fund of the county."

(Emphasis ours.)

"550.130. Judge and prosecuting attorney to certify cost bill. - The bill of costs in any case, as provided for in section 550.120, shall be certified to by the judge and prosecuting attorney, as now provided by law, and shall be presented to the county court in which the indictment was originally found, or proceedings instituted, and shall thereupon be paid as if the cause had been tried or otherwise disposed of in said county."

(Emphasis ours.)

#### CONCLUSION

It is the opinion of this office, based upon the fore-

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going statutes, that the costs incurred in a criminal case on change of venue are payable by the county in which the proceedings originated.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. W. Don Kennedy.

Respectfully submitted,

JOHN M. DALTON  
Attorney General

VDK:lrt