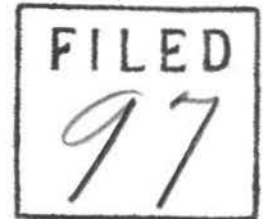


SHERIFF'S
FEES.

Services in connection with orders
of State Board of Health in venereal
disease control.

August 24, 1943

Honorable John H. Williams
Sheriff, Dunklin County
Kennett, Missouri



Dear Sir:

This is in reply to yours of recent date, wherein you request an opinion from this department on the question of your charges for board and commitment fees for venereal disease patients who have been ordered by the State Health officials to be apprehended and held by you in the jail for treatment, etc.

It could not be successfully maintained that these are criminal cases. Therefore, the criminal fee statutes do not apply.

In the case of State ex rel. v. Brown, 146 Mo., 401, the court has ruled that a sheriff is not entitled to a fee unless expressly allowed by statute. You must therefore, point the statute authorizing this fee before you may claim it.

The only statute that we find which might be pertinent is found at Sec. 9758, R. S. 1939.

This section reads as follows:

"The county court or city council in any such city shall have power to appropriate money out of the current revenues of the county or city, as the case may be, for the purpose of carrying out the provisions of this article."

C O N C L U S I O N .

From this section it is within the discretion

Hon. John H. Williams.

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Aug. 24, 1943

of the County Court to appropriate money to carry out the provisions of Article 1, Ch. 57, R. S. 1939, which includes the control of venereal diseases.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General

TWB:LeC