

SHERIFFS: Person resident of fourth class county for
PUBLIC OFFICERS: 75 days and of the State of Missouri for two
years immediately prior to appointment is
eligible for appointment as deputy sheriff in
such county.



September 8, 1954

Hon. John R. Gaslavka
Prosecuting Attorney
Dade County
Box 144
Greenfield, Missouri

Dear Sir:

Reference is made to your request for an official opinion
of this department reading as follows:

"The Sheriff of Dade County, Missouri, has
asked me to write your office concerning
the qualification of a certain man he is
considering having appointed as Deputy
Sheriff of Dade County, Missouri.

"This individual has lived in the State of
Missouri, for a little over 2 years and
has resided in Dade County, the county in
which he is being considered for Deputy
Sheriff, approximately 75 days.

"Your opinion would be appreciated as to
whether he is qualified to be a Deputy
Sheriff of this county."

According to the classification of counties found in Sec-
tion 48.020 RSMo 1949, Dade County is one of the fourth class.
Examining statutes relative to the office of sheriff in counties
of such class, we find that Section 57.250 makes provision for
such appointment with the approval of the judge of the circuit
court.

We have examined the statutes generally relating to sher-
iffs and fail to find any specifically setting forth the quali-
fications of deputies in fourth class counties. We do find
Section 562.210 which we feel is germane to your inquiry. This
statute reads as follows:

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"Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff except the person so appointed shall be, at the time of his appointment, a bona fide resident of the state."

We are led to the belief from the foregoing that the only qualification attached by statute to persons appointed deputy sheriffs is that they be bona fide residents of the State of Missouri.

A somewhat different situation obtains with respect to emergency or special deputies. As bearing upon the appointment of deputies of this class, we direct your attention to Section 57.110 RSMo 1949 reading, in part, as follows:

"* * * In any emergency the sheriff shall appoint sworn deputies, who shall be residents of the county, possessing all the qualifications of sheriff. Such deputies shall serve not exceeding thirty days, and shall possess all the powers and perform all the duties of deputy sheriffs, with like responsibilities, and for their services shall receive two dollars per day, to be paid out of the county treasury."

Also Section 542.190 RSMo 1949, reading as follows:

"That no sheriff of a county, mayor of a city, or other private persons, authorized by law to appoint special deputies, marshals or policemen, in this state, to preserve the public peace, and quell public disturbances, shall hereafter appoint as such special deputies, marshals or policemen, any person who is not a resident of this state, and has been a resident of this state for at least three years prior to his appointment."

As mentioned previously, however, these provisions relate only to emergency or special deputies. The absence of further statutory enactments bearing upon the qualifications of deputy sheriffs in counties of the fourth class indicates a legislative intent that only the requirement established by Section 562.210 RSMo 1949 necessarily must be met.

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CONCLUSION

In the premises, we are of the opinion that a person resident of a county of the fourth class for 75 days and of the State of Missouri for two years immediately prior to appointment, is eligible for the office of deputy sheriff in a county of such class.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl