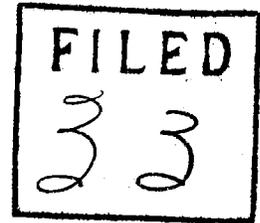


SHERIFFS: Under House Bill 899, the sheriff is responsible for feeding prisoners in the county jail in counties of the third class.

COUNTY COURTS:

Under House Bill 899, the sheriff is responsible for feeding prisoners in the county jail in counties of the third class.

July 10, 1946



21  
G. Smith

Honorable D. Wilson Gilmore  
Assistant Prosecuting Attorney  
Scott County  
Benton, Missouri

Dear Sir:

Your letter has been received requesting an official opinion reading as follows:

"The County Court of Scott County request information from your Office concerning interpretation of the Legislative enactment concerning feeding of prisoners in the County jail.

"No doubt you have received other inquiries on this subject. None of the County Courts in the surrounding Counties seems to know just what they are supposed to do under the new law.

"If your office has prepared an opinion on the subject, we would like to have a copy. If you have not prepared an opinion, would you please advise us as to your interpretation of the new law providing that the County Courts are to assume the responsibility of feeding prisoners in the County jail."

Investigation discloses that Scott County has a population of 30,377, and an assessed valuation of \$16,024,202.00, thus bringing it within the category of counties of the third class.

House Bill 899, enacted by the 63rd General Assembly, was passed with an emergency clause, and was approved by the Governor on April 19, 1946, thus making it effective as of that date. This bill pertains to sheriffs in counties of the third class, and Section 4 of the bill, in part, provides:

"The sheriff shall have the custody and care of persons lodged in the county jail and shall

furnish them with clean quarters and wholesome food. At the end of each month the sheriff shall submit to the county court a statement supported by his oath or affirmation of the actual cost incurred by him in the feeding of persons under his custody together with the names of the persons, the number of days each spent in the jail, and whether or not the expenditure is properly chargeable to the county or to the state under the law. The county court shall audit said statement and draw a warrant on the county treasury for the amount of the actual cost payable to the sheriff. \* \* \*"  
(Emphasis ours)

The wording of this section is unambiguous and clearly places the duty and responsibility of feeding persons lodged in the county jail upon the sheriff. Section 4, supra, further provides that the county court shall draw a warrant on the county treasury to reimburse the sheriff for the actual cost incurred by him in the feeding of persons under his custody, after a proper statement as prescribed in this section has been submitted to the county court by the sheriff.

Further, it is our opinion that Section 4 of House Bill 899 places no responsibility on the county courts of third class counties for feeding persons lodged in the county jail.

Respectfully submitted,

RICHARD F. THOMPSON  
Assistant Attorney General

APPROVED:

J. E. TAYLOR  
Attorney General

RFT:DC