

SHERIFFS IN THIRD CLASS COUNTIES: Deputy sheriffs may be hired on part time basis, when such appointment and the compensation of such deputies is approved by the Circuit Court.

February 27, 1947

FILED

Mr. H. L. C. Weier
Prosecuting Attorney
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Festus, Missouri

Dear Sir:

We are in receipt of your recent request for an official opinion, based on the following state of facts:

"The Jefferson County Court has requested that I obtain an opinion from you concerning the payment of deputy sheriffs in counties of the 3rd class under House Bill No. 899.

"The Circuit Judge certified the necessity of having 3 deputy sheriffs on a part time basis to be paid \$50 per month for their services as deputy sheriffs. There were also several other deputies who were appointed to work for \$1.00 per hour when called upon by the sheriff. The County Court desires to know whether deputy sheriffs may be employed on a part time basis and legally paid by the county for their services."

Section 13547.302, Mo. R.S.A., Section 2, House Bill No. 899, covers the subject of your request, and states as follows:

"The sheriff in counties of the third class shall be entitled to such number of deputies and assistants, to be appointed by such official, with the approval of the judge of the circuit court, as such judge shall deem necessary for the prompt and proper discharge of his duties relative to the enforcement of the criminal law of this state. The

judge of the circuit court, in his order permitting the sheriff to appoint deputies or assistants, shall fix the compensation of such deputies or assistants. The circuit judge shall annually, and oftener if necessary, review his order fixing the number and compensation of the deputies and assistants and in setting such number and compensation shall have due regard for the financial condition of the county. Each such order shall be entered on record and a certified copy thereof shall be filed in the office of the county clerk. The sheriff may at any time discharge any deputy or assistant and may regulate the time of his or her employment."

(Underscoring ours.)

This section specifically provides for sufficient deputies to assist the sheriff as the need for same arises. The circuit judge, in his discretion, fixes the compensation and number of deputies, and when such an order is made by the Court, the county is liable for the compensation of such deputies.

Conclusion.

It is therefore the opinion of this department that deputy sheriffs may be employed on a part time basis, upon approval of the Circuit Court, and the county would be liable for their compensation as same is fixed by the Circuit Court.

Respectfully submitted,

W. BRADY DUNCAN
Assistant Attorney General

APPROVED:

J. W. TAYLOR
Attorney General

WBD:ml