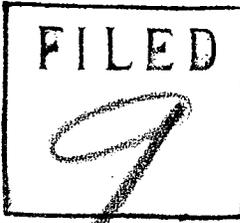


SHERIFFS: The term "deputy sheriffs" as used in Senate Bill 214,
JAILERS: does not include persons employed under the provisions
of Sec. 57.240, to attend the jail in counties of the
second class.



November 18, 1955

Honorable Cowgill Blair, Jr.
Prosecuting Attorney
Joplin, Missouri

Dear Sir:

Reference is made to your request for an official opinion
of this office, which request reads as follows:

"Recently there was passed by the Legislature
and approved by the Governor, Senate Bill No.
214 under which the deputy sheriffs of the
respective counties were authorized to have
a number of deputies based on one deputy
for each 4,000 population in the particular
county.

"In Jasper County the inquiry arises as to,
for the purpose of compliance with this law,
jailers whose duties are restricted to
handling matters connected with the county
jail and who do not go out and do criminal
or civil work and whether these jailers are
to be classified under this new law as
deputies. This inquiry is particularly
important because we are after the first of
the year going to have a new modern jail
in our county, which will, of course,
require additional personnel. If jailers
are to be classified as deputy sheriffs and
a substantially increased number of jailers
is required, of course the efficacy of
this law will be substantially impaired,
as far as our county is concerned.

"Please check into this matter and give us an
opinion at the earliest possible date. * * *"

Hon. Cowgill Blair, Jr.

Senate Bill No. 214, enacted by the Sixty-eighth General Assembly, to which you refer, provides as follows:

"Section 1. Section 57.220, RSMo 1949, is repealed and one new section enacted in lieu thereof to be known as Section 57.220, to read as follows:

"57.220. The sheriff, in a county of the second class, shall be entitled to such a number of deputies as the judges of the circuit court shall deem necessary for the prompt and proper discharge of the duties of his office, provided however, such number of deputies appointed by the sheriff shall not be less than one chief deputy sheriff and one additional deputy for each five thousand inhabitants of the county according to the last decennial census. Such deputies shall be appointed by the sheriff, but no appointment shall become effective until approved by the judges of the circuit court of the county. The judges of the circuit court, by agreement with the sheriff, shall fix the salaries of such deputies. A statement of the number of deputies allowed the sheriff, and their compensation, together with the approval of any appointment by the judges of the circuit court shall be in writing and signed by them and filed by the sheriff with the county court."

We wish to note that said bill does not purport to place a maximum on the number of deputy sheriffs in counties of the second class, but instead fixes a minimum on the number of deputy sheriffs that shall be appointed. Above such minimum, the sheriff would be entitled to appoint such other deputies as the judges of the circuit court should deem necessary for the prompt and proper discharge of the duties of the office.

You inquire whether the term "deputies," as used in said Senate Bill 214 includes jailers.

It is a familiar rule of statutory construction that statutes relating to the same subject must be read and construed together so as to work out and accomplish the central idea of the Legislature.

Hon. Cowgill Blair, Jr.

In this regard your attention is directed to Section 57.240, which provides as follows:

"The sheriff in counties of the second class, may employ, in addition to the deputies authorized, such other employees, with the approval of the county court, as may be necessary to the efficient operation of his office and the performance of the duties imposed upon him by law. The salary of any person, so employed, shall be fixed by the sheriff, with the approval of the county court."

This section recognizes employees of the sheriff other than deputies and provides that the sheriff may employ such other employees with the approval of the county court as may be necessary to the efficient operation of the office and the performance of the duties enjoined upon said official. Such section would, we believe, embrace personnel employed to attend the jail.

In view of the foregoing, we are of the opinion that persons employed by the sheriff under the provisions of Section 57.240, RS Mo 1949 would not be considered as deputy sheriffs under the provisions of Senate Bill 214 enacted by the 68th General Assembly.

CONCLUSION

Therefore, it is the opinion of this office that persons employed by the sheriff of a county of the second class to attend the jail are not to be considered as deputy sheriffs under the provisions of Senate Bill 214 enacted by the Sixty-eighth General Assembly.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Donal D. Guffey.

Yours very truly,

John M. Dalton
Attorney General

DDG:lc:mw