

May 25, 1964



Honorable Norman J. Williams
Prosecuting Attorney
Miller County
18 South Maple Street
Eldon, Missouri

Dear Mr. Williams:

You have inquired of this office whether the prosecuting attorney's office is permitted to budget for the upkeep of a law library for the prosecuting attorney which budget would include the purchase of supplements and pocket parts. You have also inquired as to what classification these purchases should be budgeted under, if they are to be allowed.

I am enclosing for your information copies of two opinions of this office, one dated March 11, 1953, to the Honorable E. C. Westhouse, Fredericktown, Missouri, regarding the duty of counties to furnish legal publications for the office of the probate judge, and one dated April 18, 1952, to the Honorable Jerry B. Schnapp, Fredericktown, Missouri, regarding the authority of a county to maintain a law library for the use of the circuit judge, prosecuting attorney and members of the county bar.

In specific answer to your question, it is the opinion of this office that the purchase and upkeep of a law library for the office of the prosecuting attorney may be lawfully budgeted under the county budget laws. The budgeting of this library, however, will fall under two classifications of proposed expenditures. It is our opinion that the items of permanent additions to the library, which would include such items as Vernon's Annotated Missouri Statutes, Black's Law

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Dictionary, and other books of a like nature, would fall under the classifications of " . . . furniture, office machines and equipment of whatever kind" as listed as an exception in Section 50.680, class 4 expenditures, and should therefore be budgeted under the class 6 expenditures.

The purchase of supplements, pocket parts, and current publications, in our opinion, are included within the term supplies for current office use and of an expendable nature and therefore would be included in expenditures of the fourth class.

Put another way, it is proper to budget for the purchase of law books (i.e., Southwestern Reporters, Missouri Digest, Corpus Juris Secundum) in the prosecuting attorney's office under class 6 of the County Budget Law. The purchase of pocket parts (i.e., yearly pocket parts for Missouri Digest, Vernon's Annotated Missouri Statutes, etc.) and pamphlets of a current and expendable nature are properly classified under class 4 of the County Budget Law.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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