



April 30, 1969

OPINION LETTER NO. 136

Honorable G. William Weier
Prosecuting Attorney
Jefferson County
Hillsboro, Missouri 63050

Dear Mr. Weier:

This acknowledges receipt of your recent letter in which you request an opinion of this office, the request reading as follows:

"Does the Sheriff of a County of the Second Class have the power to appoint special deputies other than under Section 57.119 RSMo 1959."

Section 57.119 RSMo provides as follows:

"In any emergency the Sheriff shall appoint sworn deputies, who are residents of the county, possessing all the qualifications of sheriff. The 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.

In the case of State v. Owen, 258 SW 2d 662 the Supreme Court of Missouri referred to such deputies as "emergency deputy sheriffs."

We are enclosing opinion No. 15 rendered September 8, 1954, to John R. Caslavka which refers to such deputies as "emergency or special" deputies and holds that the residence provisions of Section 542.190 RSMo are applicable to such deputies.

Your attention is directed to Section 57.220 RSMo which refers to and authorizes the appointment of deputies in a county of the second class, and fixes the formula for determining the minimum number who may be appointed, and provides for the Judges of the Circuit Court to determine and authorize the necessary number.

Honorable G. William Weier

We are unable to find any provisions for appointment of deputy sheriffs in a second class county other than the provisions contained in Sections 57.220 and 57.119 RSMo.

It is, therefore, our view that such sections contain the only authority for appointment of deputy sheriffs in second class counties.

Yours very truly,

JOHN C. DANFORTH
Attorney General