

*Copy to
J. Smith*
SHERIFFS:
EXTRADITION:
SALARIES AND FEES:

Sheriff cannot be paid mileage for travel beyond state for returning prisoner who has waived extradition. There is no requirement that the sheriff go beyond the state line for a fugitive.

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February 16, 1948

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Honorable Hugh M. Atwell
Prosecuting Attorney
Miller County
Eldon, Missouri

Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department and reading as follows:

"Will you please give me an interpretation of the laws regarding the payment of mileage of sheriffs outside the state?"

"We have a situation in which criminals in felony cases have escaped into another state. After having them apprehended in another state, after they waive extradition, the sheriff is required to go into the other state to bring them back. I want to know how the sheriff is to collect his mileage for the miles traveled in the foreign state and who is liable for the payment of said mileage.

"If there is no provision for the payment of said mileage without the state, is the sheriff required by law to go beyond the state line for a fugitive?"

We are enclosing a copy of an official opinion of this department rendered under date of February 11, 1947, to Herbert S. Brown, which holds that a sheriff cannot be paid mileage for traveling beyond the State of Missouri for the purpose of returning to this state a prisoner who has waived extradition.

We are unable to find any statute in the State of Missouri which requires a sheriff to go beyond the state line for a fugitive.

CONCLUSION

It is the opinion of this department that a sheriff cannot be paid mileage for traveling beyond the state for the purpose of returning a prisoner who has waived extradition.

It is further the opinion of this department that a sheriff is not required by law to go beyond the state line for a fugitive.

Respectfully submitted,

C. B. BURNS, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General *JET*

CBB:HR