

# Sheriff's Statutes

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- ## Objectives
- ▶ Identify Missouri statutes affecting the Office of Sheriff
  - ▶ Discuss statutory responsibilities of the Office of Sheriff
  - ▶ Discuss liabilities associated with statutory duties of the Office of Sheriff
  - ▶ Discuss considerations for newly elected sheriffs based on statutes affecting the Office of Sheriff

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**THOMSON REUTERS WESTLAW CLASSIC** All Content sheriff

**VIEW:** Overview 16 Cases 10,000 Key Numbers 19 Trial Court Orders 1,310

**Statutes & Court Rules** 1,087

Regulations	161
Administrative	10,000
Opinions & Guidance	10,000
Practical Law	86
Secondary Sources	10,000
Forms	709
Books	10,000
Trial Court Documents	10,000
Expert Materials	10,000
Jay Videos & Settlements	1,882
Proposed & Enacted Legislation	317
Proposed & Adopted Regulations	24
Application Materials	2,657
Public Records	1
All results	60,903

**Statutes & Court Rules** (1,087)

1 - 50 Sort by: Relevance

Select all items No items selected

**1. 57.111. May act in adjoining c sending county for purposes of b**  
 MO ST 57.111. Effective August 28, 2019. Law and Political Subdivision Government (Chs. 65-7)

Vernon's Annotated Missouri Statutes  
 The 11. County Township and Political Sub

Chapter 57. **Sheriffs**  
 General Provisions

...Forum county deputy **sheriffs** were acting as neighboring county, and therefore arresting the county as a deputy in forum county, where neighboring county deputy **sheriffs**, who were in civilian or had fled from uniformed officers...

... Any **sheriff**, or deputy **sheriff** that a request assistance in another county of the state shall be subject to the workload compensation over her as an employee of the sending **sheriff's** of

... Whenever any **sheriff** or deputy **sheriff** of a by a **sheriff** of this state to render assistance, south county as he or she has in his or her own

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## Baseline

- ▶ Chapter 57 is the section of RSMO that focuses on the office of Sheriff
  - ▶ It is not the only section of the RSMOs that mention the Sheriff or effect Sheriff Operations
    - ▶ Chapter 221 contains most of the statutes related to jails
      - ▶ These statutes will be covered during the courses on jail operations
    - ▶ Cannot limit view to Chapters 57 and 221
- ▶ Pay attention to the description of the class of county in statutes
  - ▶ Some statutes apply to all sheriffs
  - ▶ Some statutes are based on the class of county
    - ▶ Including whether or not it's a county with a charter form of government
- ▶ Pay special attention to permissive language (shall/must vs. may)
- ▶ Follow rules of statutory construction

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.020 – Bond
  - ▶ Requires that within 15 days after being sworn into office the sheriff must give a bond to the state between \$5,000 and \$50,000 with sureties approved by the presiding judge of the circuit
    - ▶ Bond should be conditioned for the faithful discharge of the sheriff's duties
    - ▶ Must be filed in the Office of the Clerk of the Circuit Court of the county
      - ▶ This is not the same office as the County Clerk
      - ▶ Some counties also have them filed with the County Clerk
    - ▶ Failure to give bond results in a vacancy in the office (RSMO 57.040)
  - ▶ As a side note 57.030 requires a re-elected sheriff to give a new bond and security within 15 days of being sworn in.
    - ▶ Previous surety is not liable for any business done after the fifteen days expires.

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.050
  - ▶ If court is not in session the clerk of the circuit court can take the bond in vacation and the bond will be approved or disapproved by the circuit court at its next term
- ▶ 57.060
  - ▶ A bond shall be valid until it is disapproved by the court
    - ▶ If disapproved the obligations on the bond are not effected by the disapproval
- ▶ 57.070
  - ▶ Before taking office every sheriff must file at his/her own expense the certificate of election/appointment with the oath of office endorsement and his/her official bond with approval endorsement with the recorder of the county

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.090 – Attending to courts
  - ▶ Sheriffs shall attend each division of the circuit court presided over by a circuit or associate circuit judge held in their county, when directed by the court
    - ▶ Statute also requires the attending officer to furnish stationery, fuel and other things necessary for the use of the court whenever ordered by the court.
- ▶ 57.095 – Immunity from liability
  - ▶ Provides immunity from civil and criminal liability while conducting service of process at the direction of the court
    - ▶ Immunity is limited to the extent the officers' actions do not violate clearly established statutory or constitutional rights that a reasonable person would have known.
    - ▶ Essentially extends qualified immunity to civil process service
  - ▶ Is superseded by the provisions of RSMO 537.600 (sovereign immunity statute) in cases where the statutes conflict

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.100 "Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges."
  - ▶ "Beginning January 1, 2014, every sheriff shall maintain, house, and issue concealed carry permits as specified under Chapter 571."
- ▶ Note that a sheriff's authority is county wide and is not restricted by city limits. Courts have noted that while it has become a custom for sheriffs to leave policing inside of a city to the city police department, such a practice does not alter the sheriff's responsibility or authority under the law
  - ▶ *State, on inf. Of McKittrick v. Williams*, 144 S.W.2d 98 (Mo. 1940) – case where KCPD was knowingly permitting criminal activity (liquor, vice and gambling crimes) to occur
  - ▶ *Mazwell v. Andrew County*, 146 S.W.2d 421 (Mo. 1940) – A sheriff is under a legal duty to investigate crimes and to suppress crime and arrest felons

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## McKittrick

- ▶ [I] cannot be successfully asserted that a local police force has supplanted the sheriff in his duties as a peace officer. His is an important office and one of the oldest known to law. Under the common law he was the conservator of the peace within the county, had the safe keeping of the county jail and commanded the posse comitatus. One author says that "for a thousand years the sheriff has been the principal conservator of the peace in his county, with full power to command, whenever necessary, the power of the county.
- ▶ Sheriffs are given power, and it is made their duty, to preserve the peace, arrest and commit to jail all felons, traitors, and other misdoers; to execute all process, and to attend upon courts of record. The powers and duties of conservator of the peace exercised by the sheriff are not strictly judicial; but he may be said to act as the chief magistrate of his county, wielding the executive power for the preservation of the public peace, and it has been held that the duty of a sheriff in the enforcement of the law implies initiative on his part, and that he must be reasonably alert with respect to possible violations of the law, and is not entitled to wait until they come to his personal knowledge, but must follow up information received from any source

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## McKittrick

- ▶ His authority is county wide. He is not restricted by municipal limits. For better protection and for the enforcement of local ordinance the cities and towns have their police departments or their town marshals. Even the state has its highway patrol. Still the authority of the sheriff with his correlative duty remains.
- ▶ A policeman is an officer whose duties have been, for local convenience, carved out of the old duties of constable, and the constables were always part of the general force at the disposal of the sheriff. There is no division of authority into those of the sheriff and the police. Each is a conservator of the peace possessing such power as the statutes authorize. In every county there are a number of peace officers of varying authority. They and the sheriff must work in harmony.
- ▶ the sheriff may leave local enforcement in local hands, but only so long as reasonable efforts in good faith are made to enforce the law.
- ▶ It has been held, and correctly so, that a sheriff may assume that a city police department will do its duty in enforcing the law and hence will not be guilty of any serious neglect of duty if he gives little attention to police matters in such city. But this rule has a proper qualification. If the sheriff has reason to believe that the police force is neglecting its duty it is his duty to inform himself. And if he knows that the police are ignoring or permitting offenses his duty is to prevent and suppress such offenses is the same as it would be if there was no municipality and no police force. The derelictions of other officials cannot excuse his failure to perform his statutory duties.

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.101 – Enforcement of Municipal Ordinances
  - ▶ A county sheriff may enter into an agreement with a city, town or village within their county to enforce municipal ordinances
    - ▶ Agreement must be approved by the County Commission
      - ▶ The County Commission acting through the Residing Commissioner is the contracting authority for a county.
    - ▶ Agreement gives the sheriff and deputies the same power to enforce municipal ordinances that a city police officer would have
    - ▶ Not required, nor does it restrict the sheriff's ability to enforce state law inside of a city

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.109 – Contract for Services on Federal Water Resource Lands
  - ▶ Sheriff has the power to contract with the Secretary of the Army of the United States, through the Corps of Engineers, to provide law enforcement services at or near water resources, development projects, under the jurisdiction of the Secretary of the Army which are located in the sheriff's county.
    - ▶ Contracts shall be for no more than two years
    - ▶ Contracts must be approved by the County Commission
    - ▶ Any revenue generated adheres to the benefit of general revenue

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.110 – Conservator of the peace
  - ▶ Every sheriff is a conservator of the peace within their county
  - ▶ Sheriff shall cause all offenders against law, in his/her view, to enter into recognizance, with security to keep the peace and to appear at the next term of the circuit court of the county and to be committed to jail in case of failure to give the recognizance
  - ▶ Sheriff shall certify the recognizance to the clerk of the circuit court
  - ▶ This statute deals with promise to appear and bonds
    - ▶ Bond amounts are set by the court

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.111 – Authority to Act in Other Counties (Commonly called Sheriffs Mutual Aid)
  - ▶ Whenever a sheriff or deputy sheriff is expressly requested by a sheriff of this state to render assistance, the responding sheriff or deputy has the same powers of arrest in the requesting county as they have in their own jurisdiction
    - ▶ Responding officials are deemed to be employees of the sending sheriff's office
      - ▶ Subject to workers' compensation
      - ▶ Overtime
      - ▶ Expense reimbursement provisions of the sending sheriff's office

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.117 – Deputies to be residents of the State
  - ▶ No sheriff shall appoint any under sheriff or deputy sheriff unless that person is a bona fide resident of the State of Missouri or an adjoining state at the time of their appointment.
    - ▶ The provision allowing residence outside of Missouri does not apply to a charter county with a population of more than 600,000 but less than 700,00 or the City of St. Louis
- ▶ 57.119 – Appointment of Temporary Deputies
  - ▶ In any emergency the sheriff shall appoint sworn deputies who are residents of the county, possessing all the qualifications of the sheriff
    - ▶ Temporary deputies shall not serve more than 30 days
    - ▶ Possess all the powers and perform all of the duties of deputy sheriffs with like responsibilities
    - ▶ Shall receive \$2.00 per day to be paid out of the county treasury

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.140
  - ▶ All money collected by the sheriff on executions shall be paid to the plaintiff or his order or his attorney of record.
- ▶ 57.150 and 57.160
  - ▶ Whenever the term of any sheriff expires, it is the duty of that sheriff to turn over to their successor all money in the sheriff's possession due to any party to a partition suit, all money due guardians ad litem or attorneys and all money due to any witness, juror, circuit clerk, responsible clerk, county clerk, commissioner, sheriff, coroner or anyone who formerly held any of those offices
  - ▶ Fees due for paying out any such fees or money are due to the sheriff receiving such fees or money
  - ▶ The sheriff receiving such fees or money due any party to a partition suit, any guardian ad litem or attorney and the securities on said sheriff's bond shall be liable for the payment of the money to the person(s) entitled to it or for the payment of the same to the county or state Treasurer
    - ▶ Failure or refusal to turn over for 60 days makes the refusing sheriff liable on their bond for double the amount and they are guilty of a misdemeanor with a fine between \$25-\$250.

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.170 – Summary proceedings against sureties
  - ▶ Whenever summary proceedings are given against a sheriff, his/her sureties, jointly and severally, shall be liable on the same and may or may not be joined with him/her, and such recovery may be had against them as is given against the sheriff; provided, that upon such recovery against the sureties of any sheriff, in a summary mode of proceeding, the extent of said recovery shall not exceed the amount of money withheld by the sheriff and ten percent per annum on the same from and after the return date of the execution
- ▶ 57.180 – Settlements of courts with sheriffs and marshals
  - ▶ It shall be the duty of all courts of record, at each term, to settle with the sheriffs or marshals for all moneys received by them or which they should have collected for the use of their county and that they have not already accounted for; The court shall cause their clerks to make a list of all sums chargeable to the sheriff or marshal and payable to the county, specifying on what account and certify it under the seal of the court
    - ▶ Certified list is immediately transmitted to the county clerk who shall charge accordingly

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.190 – Penalty for failing to settle
  - ▶ If a sheriff or marshal fails to pay, without delay, the money that has become chargeable on the settlement he/she shall forfeit to the county an amount double of what he/she is chargeable
    - ▶ Recoverable by motion in the court that made the settlement after ten days notice of the motion

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.270 –Power of deputies
  - ▶ Every deputy sheriff shall possess all the powers and may perform any of the duties prescribed by law to be performed by the sheriff
    - ▶ Consider looking at your agency's policies regarding what level of the organization has approval to authorize particular actions
    - ▶ Example: Under Missouri law the presence of an officer with territorial jurisdiction cures any jurisdictional defect that may be present in other officers
      - ▶ Sheriff's deputies that are authorizing officers from other jurisdictions to act in the county have the ability to do so but their presence or grant of permission could otherwise be outside of your knowledge
    - ▶ Promise to pay amount claimed for pasturage of cattle seized by sheriff made by a person acting as a sheriff's deputy is binding on the sheriff *Stephenson v. Porter*, 45 Mo. 358 (1870)

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.015
  - ▶ Provides definitions of terms utilized in 57.275
  - ▶ Deputy sheriff or officer – "any deputy sheriff who is employed full time by a law enforcement agency, authorized by this chapter and certified pursuant to chapter 590. This term shall not include an officer serving in probationary status or one year, whichever is longer, upon initial employment. This term shall not include any deputy sheriff with the rank of lieutenant and above, or any chief deputies, under sheriffs and the command staff as defined by the sheriff's department policy and procedure manual"
  - ▶ Hearing – "a closed meeting conducted by a hearing board appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff. Witnesses to the event that triggered the dismissal may attend the hearing for the limited purpose of providing testimony; the attorney for the deputy dismissed may attend the hearing, but only to serve as an observer; the sheriff and his or her attorney may attend the hearing, but only to serve as an observer"

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## 57.015 Continued

- ▶ Hearing Board – "the individuals appointed by the sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff"
- ▶ Law Enforcement Agency – "any county sheriff's office of this state that employs county law enforcement deputies authorized by this chapter and certified by chapter 590"

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.275 – Dismissal of deputy sheriff
  - ▶ Any full time deputy sheriff upon dismissal shall be furnished with a written notice of the grounds for the dismissal.
    - ▶ Upon receipt of the written grounds for the dismissal, the deputy sheriff may request a hearing.
      - ▶ Request must be made in writing to the sheriff within three working days of the receipt of the grounds of dismissal
      - ▶ The hearing must take place before a hearing board appointed by the sheriff
        - ▶ Sheriff must schedule a closed hearing within a reasonable time but within 30 days after the written request is received by the sheriff
      - ▶ A written report of the facts determined during the hearing shall be forwarded to the sheriff who will review the findings and has the final decision making authority
    - ▶ Agency is deemed compliant with the statute if the agency has a policy (published and distributed) which includes provisions for the dismissal of deputy sheriffs or other employees
      - ▶ Provides a deputy sheriff who has been dismissed written notification of the grounds for dismissal
      - ▶ Allows the deputy to request and have a hearing
      - ▶ Provides the deputy with written results of the hearing
  - ▶ Doesn't create a substantive due process right or make employment anything other than at will
    - ▶ Doesn't deprive deputies of rights conferred as matter of employment including post-employment benefits (work comp, unemployment, etc.)

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## 57.275 Continued

- ▶ This statute was examined by the Missouri Supreme Court in *McCoy v. Caldwell County*, 145 S.W.3d 427 (Mo., 2004)
- ▶ The Court held that deputy sheriffs are at will employees who can be terminated for cause or for no cause, absent any recognized public policy exception
  - ▶ Note: if your agency is under a collective bargaining agreement they may not be at-will depending on the terms of the agreement
- ▶ The Court also held that the sheriff's determination (in this case to uphold the termination) was not made in a contested case
  - ▶ Since it's not a contested case the circuit court lacks jurisdiction to afford judicial review of the termination decision
    - ▶ Word of caution- this doesn't mean they can't sue saying you fired them for a reason that is against public policy

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## Chapter 57 statutes effecting all sheriffs

- ▶ 57.278 – DSSSF
  - ▶ Establishes the Deputy Sheriff Salary Supplementation Fund
    - ▶ Funded by a fee collected under 57.280.4 (civil fee - \$10)
      - ▶ Will be discussed in the Civil Process course
    - ▶ Money shall be used solely to supplement the salaries and benefits resulting from such salary increases of deputy sheriffs
    - ▶ Fund is administered by Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART) and the state treasurer approves disbursements and is custodian of the fund
      - ▶ MoSMART determines eligibility to receive funds
    - ▶ Money left over in the fund cannot revert to the state general revenue

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## Chapter 57 statutes effecting all sheriffs

### ▶ 57.295 – Uniform allowance

- ▶ The sheriff and each full-time deputy shall receive \$25 per month as a uniform allowance
  - ▶ May go as high as \$100 per month
  - ▶ Paid out of the county treasury
  - ▶ Only applies to sheriffs and deputies who wear an official uniform in the performance of their duties
  - ▶ The amounts are at the discretion of the county commission
    - ▶ This modifier is also attached to the \$25 per month amount
    - ▶ Even though it says shall it is really discretionary for the county commission

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## Chapter 57 statutes effecting all sheriffs

### ▶ 57.350 – Mileage

- ▶ In an emergency or when the sheriff deems it essential for the performance of the official duties of the office the sheriff may permit the use of personally owned motor vehicles by members of the sheriff's office
  - ▶ Can only do this when no county-owned vehicles are available
  - ▶ Members using personally owned vehicles must be reimbursed out of the county treasury for each mile "actually and necessarily traveled" in the performance of duties prescribed by section 2 of the statute at a rate equal to the IRS rate for allowable expenses for motor vehicle use expressed as an amount per mile
- ▶ Section 2 provides that mileage is computed from the place where the court is usually held in the county
  - ▶ If held in more than one place mileage is to be computed from the place where the sheriff/deputy travels in performance of the duties
  - ▶ If two or more persons are summoned, subpoenaed or served with any process, writ or notice in the same action and they live in the same "general direction" then mileage is only allowed for summoning, subpoenaing or serving the most remote person

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## 57.350 continued

- ▶ At the end of the each month the sheriff and each deputy who has such a mileage claim shall file with the county commission an accurate and itemized statement, in writing, showing in detail the miles traveled by the officer, the date of each trip, the nature of business engaged in during each trip and the places to and from which they have traveled
  - ▶ Statement must be signed by the officer making claim for reimbursement, verified by their affidavit and filed by them with the county commission
- ▶ Whenever claim for reimbursement is made by a deputy the statement shall also be approved by the sheriff, who shall also file an affidavit that all such miles traveled were necessary or essential to carry out the duties of the office and that no county vehicles were available
- ▶ County commission shall examine every claim filed for reimbursement and if found correct, the county shall pay the amount found due

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### 57.350 Continued

- ▶ Section 3 states that reimbursement for mileage in connection with a civil action may be paid in the manner prescribed in subsection 2 of this section regardless of the status of the civil action for which the mileage was incurred
- ▶ Section 4 states that when any sheriff is to be reimbursed by the state for mileage allowed for delivery of a prisoner to the Department of Corrections, the county commission may pay the sheriff in advance for the delivery along with other mileage allowances
  - ▶ If this occurs then the reimbursement from the state shall be paid to the county commission by the sheriff as soon as it is received

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### Chapter 57 statutes effecting all sheriffs

- ▶ 57.440
  - ▶ Claims for reimbursement for travel shall be submitted to the county commission monthly and paid at the end of the month by warrant (order to pay) drawn on the county treasury by the county commission

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### Chapter 57 statutes effecting all sheriffs

- ▶ 70.820 Authority of Law Enforcement Officers or Peace Officers to Respond to Emergencies Outside Jurisdiction
  - ▶ Any law enforcement officer as defined by section 556.061, full-time peace officer as defined by section 590.100, of a county or a full-time peace officer of any political subdivision who is certified pursuant to chapter 590, or a chief executive officer as defined by section 590.100, of a county or any political subdivision, certified pursuant to chapter 590 shall have the authority to respond to an emergency situation outside the boundaries of the political subdivision from which such peace officer's authority is derived. This section does not apply to any peace officer certified pursuant to subsection 6 of section 590.105.

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70.820

- ▶ Before a peace officer shall have the authority to respond to an emergency situation outside the boundaries of the political subdivision from which the officer's authority is derived pursuant to subsection 1 of this section, the authority shall be first authorized by ordinance, order, or other ruling by the governing body of the political subdivision from which the officer derives such officer's authority and by the governing body of the political subdivision in which the emergency situation is alleged to be occurring and by the board of police established by section 84.020 or by the board of police commissioners established by section 84.350 if the officer derives his authority from either board or if the emergency situation is alleged to be occurring within the jurisdiction of either board.

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70.820

- ▶ As used in this section, "**emergency situation**" means any situation in which the law enforcement officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest and such officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the officer making the response or in the discretion of an officer or governmental officer of the political subdivision in which the emergency situation is alleged to be occurring.
- ▶ As used in this section, "**response**" shall mean to take any and all action which the officer may lawfully take as if exercising his powers within his own jurisdiction.

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70.820

- ▶ In addition to the emergency response powers prescribed in subsection 1 of this section, any peace officer of a county of the first classification with a charter form of government, or any peace officer of any political subdivision within any county of the first classification with a charter form of government, or any peace officer of any city not within a county, who has completed the basic peace training program pursuant to chapter 590 may arrest persons who violate any provision of state law within the boundaries of any county of the first classification or of any city not within a county.
- ▶ In addition to the powers prescribed in subsections 1 and 5 of this section, section 544.216, and any other arrest powers, a law enforcement officer or federal law enforcement officer as defined in subsection 8 of this section, may arrest on view, and without a warrant, at any place within this state, any person the officer sees asserting physical force or using forcible compulsion for the purpose of causing or creating a substantial risk of death or serious physical injury to any person or any person the officer sees committing a dangerous felony as defined in section 556.061. Any such action shall be deemed to be within the scope of the officer's employment.

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## 70.820

- ▶ To provide assistance to law enforcement officers, a federal law enforcement officer shall have the same authority as a law enforcement officer where:
  - ▶ (1) The federal law enforcement officer is rendering assistance at the request of any law enforcement officer of this state; or
  - ▶ (2) The federal law enforcement officer is effecting an arrest or providing assistance as part of a bona fide task force or joint investigation in which law enforcement officers of this state are participating.
- ▶ A federal law enforcement officer is a person employed by the United States government who is empowered to effect an arrest with or without a warrant for violation of the United States Code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer and includes a law enforcement officer as defined in section 536.061.

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## All non-charter counties

- ▶ 57.104 – employment of attorney
  - ▶ The sheriff of any county, except a county with a charter form of government, and any 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> class county may employ an attorney at law to aid and advise the sheriff in the discharge of their duties and to represent them in court
    - ▶ Sheriff sets the compensation for an attorney hired under this section
    - ▶ Paid out of the same allocation for compensation of employees paid out of general revenue
    - ▶ Attorney is employed at the will and pleasure of the sheriff
    - ▶ Does not alleviate the County Attorney's duties toward the sheriff
      - ▶ The two attorneys will need to discuss scope of representation duties under the Supreme Court's Rules of Professional Conduct for Attorneys.
  - ▶ Wording of the statute is a little odd. The prior version, however, was limited to first class non-charter counties and the amendment is meant as an expansion of the previous version

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## All non-charter counties

- ▶ 57.317 – Compensation, training program, attendance requirement
  - ▶ Section 1 of the statute outlines the annual salary for the office of sheriff (except 1<sup>st</sup> class charter form) which is based on the assessed valuation of the county
  - ▶ Section 2 of the statute states that \$2,000 of the sheriff's salary is only payable if the sheriff has completed at least 24 hours of classroom instruction each calendar year relating to the operation's of the sheriff's office
    - ▶ Training has to be approved by the professional association of county sheriffs in Missouri (MSA) unless exempted from training
      - ▶ MSA must provide a certificate of completion to each sheriff who completes the training and must send a list of certified sheriffs to each county treasurer
    - ▶ Expenses for attending the training may be reimbursed to the sheriff in the same manner as other expenses appropriated for that purpose
  - ▶ Sheriff cannot, except upon 2/3 vote of all members of the salary commission, receive an annual compensation less than the total compensation being received for the office of sheriff in their particular county for services rendered or performed on the date the salary commission votes.

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## All non-charter counties

- ▶ 57.408 – Personal Property ID System
  - ▶ Sheriffs in all counties, except those having a charter form of government, or in any city not within a county (St. Louis City) shall establish and make available an identification system for the identification of personal property. Anyone, upon application to the sheriff, shall be assigned an identification number to be composed of at least 10 characters which will readily permit law enforcement officials of this state, in cooperation with officials in other states using interstate computerized law enforcement communication systems and other methods, to recover stolen property. The number should follow the following form:
    - ▶ MO – Prefix of the state
    - ▶ 083 – County NCIC assigned number (part of your agency's OR)
    - ▶ 0001 – Applicant's assigned number
    - ▶ H – First letter of the applicant's last name
      - ▶ So a Platte County number for me would look like: MO083001H
  - ▶ Sheriff should encourage new owners of any marked property to mark their identification number below the previous owner's number.
  - ▶ Also contains a special provision for the sheriff of St. Louis City regarding weapons but all other tying statutes have been repealed.

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## 1<sup>st</sup> Class Counties

- ▶ 57.125 – Investigation of Personnel for Circuit Court
  - ▶ "In all counties of class one having a population of less than seven hundred thousand inhabitants, whenever the appointment of deputies and assistants is required by law to be approved by circuit judges of the circuit court, and an investigation or examination of the applicants is caused to be made by the judges, the sheriff of the county shall conduct the examination or investigation."
  - ▶ "At the request of the jury commissioners, the sheriff shall investigate the qualifications of prospective jurors."

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## 1<sup>st</sup> Class Counties

- ▶ 57.201
  - ▶ The sheriff of a 1<sup>st</sup> class non-charter county shall appoint such deputies, assistants and other employees as they deem necessary for the proper discharge of the duties of their office and may set their compensation within the limits of the allocations made for that purpose by the county commission
    - ▶ Compensation shall be paid in equal installments out of the county treasury in the same manner as other county employees are paid
  - ▶ Assistants and employees shall hold office at the pleasure of the sheriff
  - ▶ A deputy sheriff as defined in RSMO 57.015 shall hold office pursuant to RSMO 57.015 and 57.275

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## 1st Class Counties

- ▶ 57.320 – County may supply vehicles
  - ▶ In 1<sup>st</sup> class counties the county commission may provide and supply the sheriff and deputies with "such number of police cars or automobiles as may be needed for efficient performance of the duties of such office."
- ▶ 57.570 – County Highway Patrol
  - ▶ 1<sup>st</sup> class counties having a population more than 500,000 inhabitants and not having a charter form of government may create a force consisting of a superintendent and other officers, sergeants, patrolmen and radio personnel to be known as the county highway patrol
    - ▶ Must be approved by the county commission
    - ▶ Sheriff shall prescribe rules for instruction and discipline, make all administrative rules and regulations and fix the hours of duty for members of the county highway patrol
    - ▶ Three other statutes cover the county highway patrol (57.580, 57.590, 57.600)

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## 1st Class Non-Charter and 2nd Class Counties

- ▶ 57.113 – Duty to Patrol Certain Highways
  - ▶ 1<sup>st</sup> Class Non-Charter and 2<sup>nd</sup> Class Counties with a population over 70,000 shall
    - ▶ Regularly patrol and police all county constructed and maintained highways
    - ▶ Enforce all laws designed to safeguard and protect county constructed and maintained highways
    - ▶ Protect county employees engaged in maintenance and construction work on county constructed and maintained highways
    - ▶ Report all dangerous conditions on these highways to the county highway department
  - ▶ Expenditures resulting from the performance of the duties imposed by this section are subject to the budgetary procedures and controls outlined in RSMO 50.525 and RSMO 50.660

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## 2nd class counties

- ▶ 57.102 – Report on jail and prisoners
  - ▶ On January 1<sup>st</sup> of each year and every three months thereafter the sheriff of a second class county shall file a report on the conditions of the county jail, the number of prisoners confined in the jail along with recommendations relating to the operation of the jail to the circuit court of the county.
- ▶ 57.220 – Appointment of Deputies
  - ▶ The sheriff is entitled to such a number of deputies as a majority of the circuit court judges of the circuit court shall deem necessary for the prompt and proper discharge of the sheriff's duties
    - ▶ Cannot be less than one chief deputy and one additional deputy for each 5000 inhabitants of the county according to the last decennial census
    - ▶ Appointed by the sheriff but appointments are not effective until approved by the majority of circuit judges
    - ▶ Circuit judges by agreement with the sheriff fix the salaries of deputies
    - ▶ A written report of the number of deputies allowed, their compensation and the approval of appointment by the court shall be filed by the sheriff with the county commission.
    - ▶ Deputies hold office pursuant to 57.015 and 57.275
- ▶ 57.230
  - ▶ The salary approved by the judges of each deputy shall be paid by the county

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## 2<sup>nd</sup> Class Counties

- ▶ 57.240 – Employment of other persons
  - ▶ The sheriff of a 2<sup>nd</sup> class county may employ, in addition to the deputies authorized, such other employees, with the approval of the county commission, as may be necessary to the efficient operation of the sheriff's office and the performance of duties imposed by law.
  - ▶ Salary of these people is fixed by the sheriff with the approval of the county commission

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## 2<sup>nd</sup> Class Counties

- ▶ 57.349 – Sheriffs' motor vehicles
  - ▶ The county commission may provide and supply the sheriff and deputies with such number of police cars or motor vehicles as the county commission shall determine to be necessary for the efficient performance of the duties of sheriff
    - ▶ Cannot be less than one motor vehicle for each 15,000 inhabitants or part thereof in 2<sup>nd</sup> class counties that contain all or part of a city of more than 8,000 inhabitants
    - ▶ Cannot be less than one vehicle for each 5,000 inhabitants in all other 2<sup>nd</sup> class counties
    - ▶ Motor vehicles may be of any make or size as determined by the county commission

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## 2<sup>nd</sup> Class Counties

- ▶ In addition to the other duties imposed by the law the sheriff of a 2<sup>nd</sup> class county shall aid and assist the jury commissioners by conducting investigations into the identity of prospective jurors summoned for jury duty, and upon request of the board of jury commissioners, make and file a report with the board setting out the results of the investigation

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## 2<sup>nd</sup> Class Counties

- ▶ 57.360 – Additional travel expenses
  - ▶ The Sheriff and deputies shall be reimbursed out of the county treasury for actual and necessary traveling expenses incurred in the performance of official duties. All claims must be in writing and contain the following along with any other pertinent information the county commission may need in order to approve payment
    - ▶ The date and place the expense was incurred
    - ▶ If the claim is for more than one day then it must be itemized to show the amount of each day's expense and the purpose
    - ▶ Transportation charge, sleeping car fare, lodging and meals must be shown as separate items and the amount for each stated
    - ▶ Any expense over \$1 shall be supported by a receipt or sub-voucher which shows the date and place of the expense, signed by the person to whom payment was made and show in detail the information required by this section
    - ▶ If claim is made by a deputy it must also be approved by the sheriff in writing

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## 57.360 Continued

- ▶ No voucher or claim for partial payment or reimbursement on account of traveling expenses shall be submitted but every voucher or claim must contain each and every expense incurred within the time frame it purports to cover
- ▶ Every item of expense must be just and reasonable
- ▶ Must be accompanied by an oath or affirmation that is in the following form:
  - ▶ "I, ....., do solemnly swear, or affirm that the above claim is correct and just; that no part of the same has been paid; that the expense was necessary to the performance of the duties of the office of sheriff; that payment was made out of my personal funds and that I have not been reimbursed therefor; and that I have not received and will not receive from any source whatever any payment of any part hereof, except as provided by law."

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## 2<sup>nd</sup> Class Counties

- ▶ 57.380
  - ▶ The sheriff shall charge, collect and receive, on behalf of the county, every fee, penalty, charge, commission and other money that accrues to him or his office for official services rendered in civil and criminal matters, by virtue of any statute of this state, and all the fees, penalties, charges, commissions, and other money collected by him, shall at the end of each month be paid by him to the county treasurer, as provided in 50.360. He is not entitled to collect the per diem allowed to the sheriff as a member of the board of equalization and board of appeals as provided in section 138.020.
    - ▶ 138.020 is a board of equalization statute which allows citizens who are not officers of the county to receive compensation for sitting on the board
      - ▶ Since the sheriff is an officer of the county they would not be entitled to compensation for being a member of the board

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## 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.445 – Living quarters
  - ▶ The county commission may provide living quarters for the sheriff, in addition to the compensation authorized by law.
    - ▶ This is discretionary on the part of the county commission
    - ▶ AG opinion for 1953 (No. 94) that county commission cannot pay the sheriff a sum of money in lieu of living quarters

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## 3<sup>rd</sup> Class Counties

- ▶ 57.281
  - ▶ Provides that sheriffs of 3<sup>rd</sup> class counties may elect to provide services outlined under this section
    - ▶ Permissive not mandatory and the sheriff can elect to discontinue services at their discretion
  - ▶ Statute contains a list of entities that may submit two sets of fingerprints to the sheriff of 3<sup>rd</sup> class counties for the purpose of checking the person's criminal history
    - ▶ First set is used for the Missouri criminal records repository and the second set is submitted to the FBI for the search of federal criminal history files
    - ▶ Prints are submitted on forms and in a manner prescribed by the sheriff
    - ▶ Fees paid for the searches must be deposited in the sheriff civil fee account
      - ▶ Subject to the same \$50,000 limit per year as other civil fund fees before excess reverts to general revenue of the county
    - ▶ Outlines who has accessible to any criminal history information discovered

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## 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.115 – Sheriff May Patrol Roads and Highways
  - ▶ Sheriffs in 3<sup>rd</sup> and 4<sup>th</sup> Class Counties **may**
    - ▶ Regularly patrol and police all public roads and highways within the county
    - ▶ Enforce all laws designed to safeguard and protect these roads and highways
    - ▶ Report all dangerous conditions on these roads and highways to the county commission or other road or highway supervising body

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### 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.250 – Appointment of deputies
  - ▶ The sheriff in 3<sup>rd</sup> and 4<sup>th</sup> class counties is entitled to the number of deputies and assistants to be appointed by the sheriff with the approval of a majority of circuit judges of the circuit court that the judges deem necessary for the prompt and proper discharge of the sheriff's duties relative to the enforcement of the criminal laws of the State.
    - ▶ Judges shall fix the compensation of the deputies and assistants
      - ▶ Should be done in a court order
    - ▶ Judges shall annually review the order fixing the number and compensation of deputies and assistants and in setting the number of persons and their compensation have due regard for the financial condition of the county
    - ▶ Order must be entered in the record of the court and a certified copy filed in the office of the County Clerk at least 15 days prior to the date of the adoption of the county budget
    - ▶ Sheriff may at any time discharge any assistant and may regulate the time of such person's employment
    - ▶ Deputies hold office pursuant to RSMO 57.015 and RSMO 57.275
    - ▶ At request of the sheriff the presiding judge may order additional deputies in cases where exigent or emergency circumstances require the additional deputies

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### 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.251
  - ▶ This statute also deals with the appointment of deputies and assistants and has language that mirrors the provisions for 1<sup>st</sup> class counties
  - ▶ The statute also has a staying clause that says the statute does not become effective until the Supreme Court of Missouri issues an opinion or a circuit court issues an opinion that becomes final that the provisions of 57.250 are invalid or unconstitutional in part or as a whole and that a sheriff has no authority to appoint deputies pursuant to 57.250
    - ▶ 57.250 is still good law

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### 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.395
  - ▶ In addition to their other duties, sheriffs in 3<sup>rd</sup> and 4<sup>th</sup> class counties must aid and assist the jury commissioners by conducting all investigations into the identity of all prospective jurors summoned for jury duty by the jury commissioners and upon request of the board of jury commissioners, make and file a report with the board setting out the results of the investigation.
- ▶ 57.403 – Compensation for reporting to Highway Patrol
  - ▶ Sheriffs in 3<sup>rd</sup> and 4<sup>th</sup> class counties shall receive compensation for the performance of the duties required by sections 43.500 to 43.530 (criminal records and central repository statutes)
    - ▶ Fee is paid out of the county treasury in 12 equal installments
    - ▶ \$1,000 for 3<sup>rd</sup> class county sheriffs and \$500 for 4<sup>th</sup> class county sheriffs
  - ▶ There is an Attorney General Opinion from 1989 (No. 128-89) that opines that this statute has been superseded; however, there is no court opinion invalidating the statute

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### 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.407
  - ▶ The sheriff of a third class county shall annually file a report with the circuit court on the 1<sup>st</sup> of January on the conditions of the county jail, the number of prisoners confined in the jail and recommendations relating to operation of the jail.
  - ▶ In 3<sup>rd</sup> and 4<sup>th</sup> class counties the sheriff shall pay all fees collected in civil matters, and which were previously retainable by him (under 1969 laws) into the county treasury, except charges for each mile traveled, allowable under law, which he/she may retain in serving civil process.
- ▶ 57.410
  - ▶ Sheriffs in 3<sup>rd</sup> and 4<sup>th</sup> class counties shall charge and collect for and on behalf of the county every fee accruing to his/her office which arises out of duties in connection with the investigation, arrest, prosecution, care, commitment and transportation of persons accused of or convicted of a criminal offense.
    - ▶ Exception are criminal fees chargeable to the county.
      - ▶ Can't charge county fees for performance of duties in connection with criminal business of the county.

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### 3<sup>rd</sup> and 4<sup>th</sup> Class Counties

- ▶ 57.430 – Mileage –Maximum Amount
  - ▶ The county commission shall allow the sheriff and deputies actual and necessary expenses for each mile traveled in serving warrants or any other criminal process in the performance of their official duties connected to the investigation of persons accused or convicted of a criminal offense, at a rate equal to the IRS rate for allowable expenses for motor vehicle use expressed as an amount per mile.
    - ▶ When allowed mileage is computed from the place where court is usually held
      - ▶ If held in more than one place then mileage is computed from the place from which the sheriff or deputy travels in performing the service.
    - ▶ When two or more persons who are summoned, subpoenaed, or served with any process, writ or notice in the same action live in the same general direction then mileage shall be allowed only for summoning, subpoenaing or serving the most remote.
    - ▶ Payable at the end of each month out of the county treasury.

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### 57.430 Continued

- ▶ At the end of each month the sheriff and each deputy shall file with the county commission an accurate and itemized statement, in writing, showing in detail the miles traveled by such officer, the date of each trip, the nature of the business engaged in during each trip, and the places to and from which he/she traveled.
  - ▶ Statement must be signed by the officer making the claim for reimbursement, verified by affidavit and filed by him/her with the county commission.
  - ▶ Whenever a claim for reimbursement is made by a deputy, their statement must also be approved in writing by the sheriff.
  - ▶ County commission shall examine every claim filed for reimbursement, and if found correct, the county shall pay to the officer entitled thereto, the amount found due.

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# OTHER STATUTES

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## 195.505 MEGs

- ▶ Statute allows two or more political subdivisions or the state highway patrol and one or more political subdivisions to by agreement form a multijurisdictional enforcement group (MEG) for the purpose of "intensive professional investigation" of computer, internet-based, narcotics and drug law violations
  - ▶ Power of arrest is statewide while working in the capacity of the MEG
  - ▶ Requires prior notification to the chief of police or the county sheriff of an arrest made in their jurisdiction
    - ▶ If exigent circumstances exist notification can be made after the arrest must it shall be made as soon as practical.

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## 544.216 – Powers of arrest

- ▶ Except as otherwise provided in section 544.157, any sheriff or deputy sheriff, any member of the Missouri state highway patrol, and any county or municipal law enforcement officer in this state, except those officers of a political subdivision or municipality having a population of less than two thousand persons or which does not have at least four full-time non-elected peace officers unless such subdivision or municipality has elected to come under and is operating pursuant to the provisions of sections 590.100 to 590.150 may arrest on view, and without a warrant, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any ordinances of law of this state, including a misdemeanor or infraction, over which such officer has jurisdiction. Peace officers of a municipality shall have arrest powers, as described in this section, upon lands which are leased or owned by the municipality in an unincorporated area. Ordinances enacted by a municipality, owning or leasing lands outside its boundaries, may be enforced by peace officers of the municipality upon such owned or leased lands. The power of arrest authorized by this section is in addition to all other powers conferred upon law enforcement officers, and shall not be construed so as to limit or restrict any other power of a law enforcement officer.

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# Purchasing

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## 50.660 – Rules Governing Contracts

- ▶ All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer.
- ▶ No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating:
  - ▶ except that in case of any contract ... to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury.

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## 50.660 – Rules Governing Contracts

- ▶ All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than six thousand dollars.
- ▶ It is not necessary to obtain bids on any purchase in the amount of four thousand five hundred dollars or less made from any one person, firm or corporation during any period of ninety days.
- ▶ If the county is any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand dollars or less.

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### 50.660 – Rules Governing Contracts

- ▶ All bids for any contract or purchase may be rejected and new bids advertised for
- ▶ Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer,
  - ▶ but all orders for supplies, materials, equipment or services other than personal shall bear the certification.
  - ▶ In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.
- ▶ Notwithstanding the provisions of subsection 1 of this section to the contrary, advertising shall not be required in any county in the case of contracts or purchases involving an expenditure of less than six thousand dollars.

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### 50.750 – Missouri products

- ▶ Every county officer, agent or any governing body of any county in this state authorized to make purchases for use of their county shall purchase and use only those materials, products, supplies, provisions and other needed articles produced, manufactured, compounded, made or grown within the state of Missouri, when they are found in marketable quantities in the state and are of a quality suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states; provided, however, that quality and fitness of articles shall be considered in purchasing or letting contracts for articles herein mentioned.

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### 50.780 – Waiver (2<sup>nd</sup> class counties and 1<sup>st</sup> class non-charter counties)

- ▶ It shall hereafter be unlawful for any county or township officer in any county to which sections 50.760 to 50.790 apply to purchase any supplies not contracted for as provided in sections 50.760 to 50.790 for the officer's official use and for which payment is by law required to be made by the county unless the officer shall first apply to and obtain from the county commission an order in writing and under the official seal of the commission for the purchase of such supplies; and in all cases where the supplies requested by such officer have been contracted for by the county commission as provided in sections 50.760 to 50.790,
  - ▶ the order shall be in the form of a requisition by said officer addressed to the person, firm, company or corporation with whom or which the county commission has made a contract for such supplies; and presented to the county commission for approval or disapproval; and unless approval be given such requisition shall not be filled and any such requisition filled without such approval shall not be paid for out of county funds.

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### 50.780 – Waiver (2<sup>nd</sup> class counties and 1<sup>st</sup> class non-charter counties)

- ▶ The county shall not be liable for any debts for supplies except debts contracted as provided in sections 50.760 to 50.790.
- ▶ the best price and the quality of supplies shall be considered and supplies of a higher price or quality than is reasonably required for the purposes to which they are to be applied shall not be purchased or contracted for.
- ▶ Preference to merchants and dealers within their counties may be given by such commissioners, provided the price offered is not above that offered elsewhere.
- ▶ The county commission may waive the requirement of competitive bids or proposals for supplies when the county commission has determined that there exists a threat to life, property, public health, or public safety or when immediate expenditure is necessary for repairs to county property in order to protect against further loss of, or damage to, county property, to prevent or minimize serious disruption in county services or to ensure the integrity of county records.
  - ▶ Emergency procurements shall be made with as much competition as is practicable under the circumstances.
  - ▶ After an emergency procurement is made by the county commission, the nature of the emergency and the vote approving the procurement shall be noted in the minutes of the next regularly scheduled meeting.

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### 50.783 – Waiver of bidding

- ▶ The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source (aka sole source) for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter.
- ▶ A single feasible source exists when:
  - ▶ (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
  - ▶ (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
  - ▶ (3) Supplies are available at a discount from a single distributor for a limited period of time.

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### 50.783 – Waiver of bidding

- ▶ On any single feasible source purchase where the estimated expenditure is three thousand dollars or over, the commission shall post notice of the proposed purchase. Where the estimated expenditure is five thousand dollars or over, the commission shall also advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.
- ▶ Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is six thousand dollars or over, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

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## 50.784 – Procurement Authority Delegation

- ▶ The county commission may, when in the commission's best judgment it is in the best interests of the county, delegate the commission's procurement authority under this chapter to an individual county department; provided, however, that each instance of single feasible source purchasing authority in excess of five thousand dollars under section 50.783 shall be specifically delegated by the commission. The delegation may allow county departments to negotiate the purchase of services for patients, residents, or clients with funds appropriated for this purpose. In accepting this delegated authority the department acknowledges its ability to, and agrees to, fulfill all of the requirements of this chapter in making purchases and entering into contracts and keeping records. No claim for payment based upon any purchase under this section shall be certified by the commission unless accompanied by such documentation of compliance with the provisions of this chapter as the commission may require. Any department that fails to fulfill all such requirements may have its delegated authority rescinded by the commission. A full and detailed listing of vendors, supplies purchased, and warrants issued for single or multiple source payments shall be retained by the custodian of records.

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## Purchasing

- ▶ If an item is purchased under a State of Missouri contract or a contract of another county, city, of another state or the United States bidding is not required. The purchasing entity is responsible for verifying that a contract used by another County or City complies with the statutory bidding requirements 70.220 (non-state contract) 67.360 (state [Missouri] contract)
  - ▶ Cooperative purchasing
- ▶ Purchasing requirements apply across all funds
  - ▶ While there are funds under the control of the sheriff that don't require commission authorization for expenditures the purchasing requirements (i.e. bidding laws) still apply

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## Deputies need to be POST Certified

- ▶ 590.020
- ▶ No person shall hold a commission as a peace officer without a valid peace officer license.
- ▶ The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.
- ▶ Notwithstanding any other provision of this chapter, no license shall be required:
  - ▶ (1) Of any person who has no power of arrest;
  - ▶ (2) To seek or hold an elected county office, subject to such requirements as chapter 57 may impose;
  - ▶ (3) To be commissioned pursuant to section 44.335 as a park ranger not carrying a firearm;
  - ▶ (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on August 26, 2001, and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;
  - ▶ (5) Of any reserve officer continually holding the same commission since August 15, 1988; or
  - ▶ (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978.
- ▶ Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.

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## 105.452 - Prohibited acts by elected and appointed public officials and employees

- ▶ No elected or appointed official or employee of the state or any political subdivision thereof shall:
  - ▶ (1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

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## 105.452

- ▶ (2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;
- ▶ (3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

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## 105.452 - Prohibited acts by elected and appointed public officials and employees

- ▶ (4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the State of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or

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### 105.452

- ▶ [5] Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.
- ▶ No elected or appointed official or employee of any political subdivision shall offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

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### 106.220. Forfeiture of office--reasons for

- ▶ Any person elected or appointed to any county, city, town or township office in this state, except such officers as may be subject to removal by impeachment, who shall fail personally to devote his time to the performance of the duties of such office, or who shall be guilty of any willful or fraudulent violation or neglect of any official duty, or who shall knowingly or willfully fail or refuse to do or perform any official act or duty which by law it is his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, shall thereby forfeit his office, and may be removed therefrom in the manner provided in sections 106.230 to 106.290.

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### Other sections of RSMO to be aware of

- ▶ There are other statutes that will effect your office that are not discussed here to prevent possible repetition with other classes. Here are a few of them.
  - ▶ County Budget Laws in Chapter 50
  - ▶ Fees in criminal cases 57.290
  - ▶ Jail and Jailer laws in Chapter 221
  - ▶ CCW laws in Chapter 571
  - ▶ POST/Licensure Chapter 590
  - ▶ Sunshine Law Chapter 610
- ▶ **DON'T READ AHEAD – I DON'T WANT TO BE HELD RESPONSIBLE FOR STEALING SOMEONE ELSE'S THUNDER**

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