

FILE

Subject County's officers  
Sheriff  
Copy to \_\_\_\_\_  
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STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

February 15, 1974

Opinion No. 74- 59

Bert Cantwell  
Wyandotte County Sheriff  
710 N. Seventh  
Kansas City, Kansas 66101

Dear Sheriff Cantwell:

We have received your letter concerning the status of an appointed sheriff prior to and during his attendance at the Basic Training School in Hutchinson, Kansas.

K.S.A. 1973 Supp. 19-801b sets out the qualifications for the office of sheriff, including satisfactory completion of a course at the law enforcement training academy. The statute covers the situation of a newly elected sheriff, of one who is reelected or appointed after being out of office two years or more, and of one who is appointed. In the latter case K.S.A. 1973 Supp. 19-801b(e) provides:

"Any person appointed to the office of sheriff shall be appointed on a provisional basis and such person must attend and satisfactorily complete the next training program at the law enforcement training academy beginning not less than sixty (60) days after the appointment, or shall forfeit his office."

As we view it, such an appointment is provisional until the course is completed satisfactorily and the course to be taken must be the next one offered. Section (e) makes no reference to the salary status of an appointed sheriff as does section (c) for a newly elected sheriff. Therefore it would seem that the intent is for an appointed sheriff to enter into the office upon appointment with the prescribed salary and other emoluments of the office, subject only to the requirements mentioned above.

Bert Cantwell  
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We hope this is of assistance to you. If you have further questions, please feel free to contact us.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm