



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 30, 1977

ATTORNEY GENERAL OPINION NO. 77- 284

Mr. Al Naes
Saline County Sheriff
Saline County Courthouse
Salina, Kansas 67401

Re: Sheriff--Jails--Regulations of Bondsmen

Synopsis: A sheriff's visitation regulation, which is applicable to all prisoners and which facilitates a prisoner's contact with the bail bondsman of his choice, is reasonable and not an infringement upon any constitutional right.

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Dear Sheriff Naes:

You have inquired as to the propriety of your written regulations concerning bonding procedures at your jail.

Under K.S.A. 19-811, the sheriff has the charge and custody of the jail and the prisoners confined therein, and he is held responsible for the manner in which the jail is kept (K.S.A. 19-1903). The Kansas Supreme Court has addressed itself to the question of reasonable regulations governing visitation privileges of prisoners incarcerated in the county jail in Robinson v. State, 198 Kan. 543, 546, where the court said:

"A Kansas sheriff, by statute, has charge and custody of the jail and of the prisoners confined therein (K.S.A. 19-811) and is held responsible for the manner in which the jail

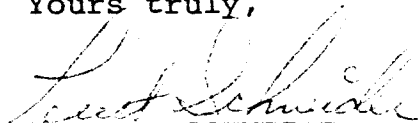
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is kept (K.S.A. 19-1903). We believe he has the right, as well as a duty, to set reasonable regulation for the operation of the jail and the conduct of his prisoners. A rule restricting visits to certain weekdays and limiting visitors to members of a prisoner's family appears to be reasonable and not an infringement upon any constitutional right."

Under the procedures which you have adopted, bondsmen are not permitted to solicit persons confined in the jail, and the inmate register is not furnished to bondsmen. An inmate who does wish to contact a bondsman, and who does not know who to call, will be furnished the names and phone numbers of bondsmen approved by the Saline County District Court. Inmates thus will initiate the contact with bondsmen, rather than permitting bondsmen to initiate the contacts. All conferences between inmates and bondsmen will be conducted in designated "attorneys' quarters."

On the face of the matter, this procedure does not appear to obstruct in any fashion a prisoner's access to bail. In my judgment, this procedure constitutes an entirely reasonable regulation for the orderly operation of the jail, and is fully within your authority. Certainly, as Commissioner Bell points out, there is no statute which prohibits a bail bondsman from soliciting business in a jail or prison. At the same time, there is no statute which requires that bondsmen be permitted to solicit business thus. In their dealings with prisoners, bondsmen are subject to reasonable regulations of the sheriff, as custodian of the prisoners and in my judgment, the described procedure is facially reasonable.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:MGM:BEW:jj