



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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February 8, 1979

ATTORNEY GENERAL OPINION NO. 79- 13

Mr. Michael L. Baughn
Councilman
P.O. Box 216
Brewster, Kansas 67730

Re: Counties and County Officers -- Jails -- Housing
City Prisoners in County Jails.

Synopsis: K.S.A. 19-1930 authorizes and requires a county to house city
prisoners.

* * *

Dear Mr. Baughn:

In your letter you have requested our opinion concerning housing city
prisoners in a county jail.

K.S.A. 19-1930 provides:

"The sheriff or the keeper of the jail in any
county of the state shall be and is hereby
authorized and required to receive all prisoners
committed to his custody by the authority of
the United States or by the authority of any
city located in such county, and to keep them
safely until discharged by the due course law
in the same manner as prisoners of the county;
and if any sheriff or jailer shall neglect or
refuse to perform the services and duties
required of him by the provisions of this act,
he shall be liable to the like penalties,
forfeitures and actions as if such prisoner
or prisoners had been committed under the
authority of this state. The county in the

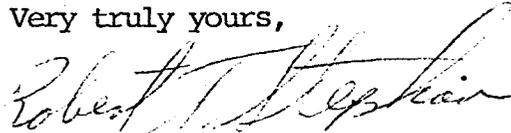
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jail of which such prisoner shall be confined shall receive from the United States or such city compensation for the maintenance of such prisoners and provision shall be made for the maintenance of such prisoners in like manner as prisoners of the county. The governing body of any city committing prisoners to the county jail shall provide for the payment of such compensation upon receiving a statement from the sheriff of such county as to the amount due therefor from such city. The attorney of prisoners shall be permitted to visit them professionally at all reasonable hours."

From this statute it is clear that a county jail is required and authorized to receive prisoners from a city located within that county. Further, a city is then required to compensate the county jail for housing a city prisoner equivalent to the amount provided by the county for housing county prisoners.

Therefore, a prisoner of the city of Brewster may be housed in the Thomas County jail as provided for in K.S.A. 19-1930.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Elsbeth D. Schafer
Assistant Attorney General

RTS:TDH:EDS:may