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.

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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
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