



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 18, 1976

ATTORNEY GENERAL OPINION NO. 76-67

The Honorable John Gariglietti
Judge of City Court
City Hall
Pittsburg, Kansas 66762

Re: Courts--City Courts--Marshal

Synopsis: There is no statutory authority for the judge of the City Court of Pittsburg, or for the marshal of that court, to appoint a deputy marshal to whom may be entrusted the duties and responsibilities of the marshal.

* * *

Dear Judge Gariglietti:

You inquire whether in the event of sickness, disability or other absence of the duly elected Marshal of the City Court of Pittsburg, the judge thereof may appoint a deputy marshal to serve in his stead, and if so, by what authority such person may be paid.

K.S.A. 20-1426 states thus:

"The terms of office of the judge and marshal of said court, when elected shall be for two years and until their successors are elected and qualified. Such officers shall be nominated and elected in the same manner and at the same time as county officers are nominated and elected. The term of office of said judge and said marshall shall commence at noon on the second Monday in January following their election."

The Honorable John Gariglietti
Page Two
February 18, 1976

K.S.A. 20-1427 provides thus:

"All vacancies in the office of judge or marshal of said court shall be filled by appointment of the governor until the next general election of county officers occurring more than thirty days after such appointment."

Other statutes require that the marshal be a qualified elector of the city at the time of election, shall be a person "of approved integrity." In addition, the marshal must file a bond in the sum of \$1,000; process issued by the court shall be directed to the marshal or to the sheriff of the county in which the city is located. There is no authority for either the judge or the marshal to delegate the statutory responsibilities of that office to another, although, of course, provision is made for the appointment of a judge pro tem. No similar provision is made for the appointment of a deputy marshal.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj