



STATE OF KANSAS

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May 19, 1983

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ATTORNEY GENERAL OPINION NO. 83- 77

Richard G. Smith  
Wichita County Attorney  
P.O. Box 442  
503 S. 4th St.  
Leoti, Kansas 67861

Re: Counties and County Officers -- Sheriff -- Use of Motor  
Vehicles Outside County.

Synopsis: Sheriffs and their deputies may properly operate county-  
owned law enforcement vehicles outside the territorial  
boundaries of the county when exercising lawful juris-  
diction outside such county or in carrying out the  
statutory duties of the sheriff. Cited herein: K.S.A.  
19-212, 19-813, K.S.A. 1982 Supp. 22-2401a. K.S.A. 28-107b.

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Dear Mr. Smith:

As County Attorney for Wichita County you have requested our opinion  
as to whether it is proper to utilize county-owned law enforcement  
vehicles outside the boundaries of the county. In that regard you  
question whether the board of county commissioners, pursuant to  
K.S.A. 19-212, may prohibit such activity.

K.S.A. 19-212 provides, in pertinent part:

"The board of county commissioners of each county  
shall have the power, at any meeting:

"First. To make such orders concerning the property belonging to the county as they may deem expedient, including the establishing of regulations, by resolution, as to the use of such property and to prescribe penalties for violations thereof."

The foregoing general provision clearly vests in the board of county commissioners primary authority and responsibility with respect to county property in general. More specific language with respect to law enforcement vehicles is set forth in K.S.A. 28-107b which provides:

"The board of county commissioners of any county may make provision for automobiles, motorcycles or other vehicles necessary for the sheriff and his deputies for the proper discharge of their duties. For the purpose of carrying out the provisions of this section the board of county commissioners may either purchase or lease and finance the operation and maintenance of such vehicles or may authorize the use of private vehicles for such purpose and provide compensation therefor by the payment of mileage as provided by law. No mileage shall be paid to any officer for travel made in any vehicle owned or furnished by the county."

It can hardly be argued that motor vehicles are not essential for a sheriff to carry out his or her statutory duties. The foregoing statute provides the board of county commissioners with an option as to how such vehicles may be provided, but it is our conclusion that vehicles are necessary items for county law enforcement and provision must be made for motorized vehicles for the sheriff and his officers. See Attorney General Opinion No. 80-69.

The duties of a sheriff are generally stated in K.S.A. 19-813, and the jurisdiction of sheriffs and their deputies is set forth in K.S.A. 1982 Supp. 22-2401a which provides, in part relevant to sheriffs and deputies, as follows:

"(1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers anywhere within their county and also may exercise such powers in any other county when in fresh pursuit of a person.

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Richard G. Smith  
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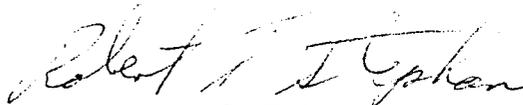
"(4) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (1) or subsection (2), law enforcement officers may exercise their powers as law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested." (Emphasis supplied.)

From the foregoing, it is apparent that a sheriff or sheriff's deputy may, on occasion, be called upon to exercise his powers as a law enforcement officer outside the territorial boundaries of his or her county. Other statutory duties may also require the sheriff to travel beyond the county boundary, i.e. transporting prisoners to state correctional facilities, transporting individuals to state mental institutions, etc.

For the foregoing reasons, it is our opinion that a sheriff or sheriff's deputy may properly utilize county-owned law enforcement vehicles outside the boundaries of the county to the extent that such sheriff or sheriff's deputy has lawful jurisdiction or to carry out statutory duties.

While the board of county commissioners has a general power to control and regulate the use of county property, such authority may not be utilized to restrict the jurisdiction or impede the statutory duties of the elected sheriff or his deputies.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General



James E. Flory  
Deputy Attorney General

RTS:JEF:may