

85-00027

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

H. WARD McMILLAN, JR.
EXECUTIVE ASSISTANT
TO THE ATTORNEY GENERAL

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
EXECUTIVE ASSISTANT

OCT 23 1984

Honorable Lee Wofford
Judge of Probate
Etowah County
P. O. Box 187
Gadsden, Alabama 35902

Sheriffs - Expenses -
Transportation Charges

In transporting an individual to a mental health facility for evaluation, a sheriff would only be entitled to the expense allowance provided in the Code of Alabama 1975, Section 36-7-20.

Dear Judge Wofford:

You have requested an opinion from this office concerning Act No. 84-833 which opinion request reads as follows:

"The sheriff shall receive reimbursement for expenses in transporting said persons to and from the facility at the rate allowed in 1975 Code of Alabama, Section 36-7-20."

The rate fixed in said Title 36-7-20 says not less than \$35.00 nor more than \$50.00 per day - and that no travel allowance shall be paid for a trip of less than six hours' duration. . . .

My question: No trip to any State hospital transporting a patient from Etowah requires six hours' duration. . . . at what rate do we reimburse the Sheriff his expenses for these trips?"

Honorable Lee Wofford
Judge of Probate
Page Two

A sheriff is entitled by law to collect and retain such mileage and expense allowance as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county. Code of Alabama 1975, Section 36-22-16. In transporting an insane person committed to the custody of the Alabama State Department of Mental Health, the sheriff is entitled to recover all necessary expenses incurred by him. Code of Alabama 1975, Section 22-52-12.

Act 84-833 concerns the transfer of an individual to a mental health facility for evaluation rather than commitment. The language of Act 84-833 is clear that in such cases the sheriff would only be entitled to the expense allowance provided in the Code of Alabama 1975, Section 36-7-20.

Thus, when transporting an individual to a mental health facility for evaluation pursuant to Act 84-833, the sheriff would not be entitled to any reimbursement for a trip of less than six hours duration.

I hope I have satisfactorily answered your inquiry with regard to this matter.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:

Jack M. Curtis
JACK M. CURTIS
Assistant Attorney General

JMC/dn