

County Commissioners—Rewards—Felonies.

The board of county commissioners has no authority to offer a reward unless for the apprehension and conviction of persons committing felonies and then only for specific felonies committed prior to the time of the offering of the reward. The statute does not permit offering of rewards for felonies that might be committed in the future.

Nick Langshausen, Esq.,
County Attorney,
Winnett, Montana.

October 28, 1930.

My dear Mr. Langshausen:

You state that on the 6th day of July, 1927, the board of county commissioners passed a resolution as follows:

“Moved by Beck, seconded by Maxey, that the board of county commissioners offer a reward of \$500.00 for evidence leading to the arrest and conviction of any person guilty of stealing or slaughtering livestock.”

You further state that one Marvin Lewis, in August of this year, reported to the sheriff of your county that a yearling steer had been slaughtered on the range and that he, in company with the sheriff, went to the place where the killing was done and found the head of the animal; that the parties then traced a truck track from the place of the killing to the home of one Jesse Brooks; that Brooks and one Caulkins pleaded guilty to the larceny of the steer. Lewis, the owner of the steer, now claims the reward mentioned in the minutes of the board of county commissioners, and you inquire if he has a valid claim against the county therefor.

In Volume 12, Opinions of Attorney General, at page 253, it was held that the board of county commissioners is without authority to offer a reward for information leading to the arrest of a person who has

committed a felony. The authority granted by the statute to offer rewards is for the **apprehension and conviction** of the persons committing felonies.

Furthermore, the authority granted under Section 4483, R.C.M. 1921 to the board of county commissioners to offer rewards is for the apprehension and conviction of any person or persons **who have committed** any felony within the county. My interpretation of this is that the board is only authorized to offer a reward for the apprehension and conviction of the perpetrator of a specific felony that has been committed at the time the offer of reward is made. I do not think the statute is susceptible of the interpretation that the board is granted authority to offer rewards for the apprehension and conviction of persons who may commit crimes in the future. It was no doubt the intention of the legislature that in those cases where a felony had been committed and the offering of a reward was reasonably necessary for the apprehension and conviction of the perpetrator the county commissioners could offer a reward, but I do not think that it was the intention of the legislature that the county commissioners could offer a reward that would apply to every felony committed subsequent to the offering thereof as such a practice would often, as in the case under consideration, result in the expenditure of county funds when there was no necessity therefor.

It is therefore my opinion that inasmuch as the reward offered by the county commissioners was not for the apprehension and conviction of the perpetrator of a felony that had been committed prior to the offering of the reward, the said offer is invalid and Lewis has no claim against the county therefor.

Very truly yours,

L. A. FOOT,
Attorney General.