

County Attorneys—Duties—Jurisdiction—Compensation.

A county attorney is not required to prosecute criminal cases arising without his county and as this is not part of his official duty he is entitled to compensation when employed by the commissioners of a county in which he is not the elected county attorney.

March 21, 1928.

C. L. Harris, Esq.,
County Attorney,
Hysham, Montana.

My dear Mr. Harris:

You have requested my opinion upon the following question: Where, at the request of the county attorney of A county, the county attorney of B county assists the county attorney of A county in the trial of criminal cases and the county attorney and the board of county commissioners of A county wish to pay the county attorney of B county for said services, will the fact that the county attorney of B county is a county attorney prevent A county from paying for his services?

Under the laws of this state a county attorney is not required to prosecute criminal cases arising without his county and it is not part of his duties under the law to assist in the prosecution of criminal cases in other counties of the state.

It is therefore my opinion that it is lawful for a county attorney to act as an assisting prosecutor in another county and that the board of county commissioners of that county may pay him for his services the same as any other assisting counsel employed by them.

Very truly yours,

L. A. FOOT,
Attorney General.