

**Opinion No. 37-1727**

August 2, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. V. A. Doggett District Attorney Raton, New Mexico

{\*143} Your letter of July 30th makes inquiry relative to mileage charges in connection with official business of the office of the district attorney.

It has always been my impression that the district attorneys were not limited to the maximum mileage charges as provided by law inasmuch as these officials receive such reimbursement from the court funds of the various courts.

Payment from the court funds to the district attorney for mileage and expenses has not been at the same rates throughout the state. The various district judges have used their discretion in the allowance to the district attorneys of mileage rates and I believe that it has ranged from six cents up to twelve and one-half cents. I believe in some instances it has been even less.

{\*144} Chapter 148 of the Session Laws of 1937 provides for payment of the travel expenses of district attorneys and their assistants from the court fund upon order of the court, supported by sworn statement of such expenses.

It is my inclination to consider the district attorneys to be excepted from the provisions of the maximum mileage law and I believe that the judges are competent to continue the exercise of their discretion and permit from the court funds such charges for mileage as they deem to be necessary and expedient.