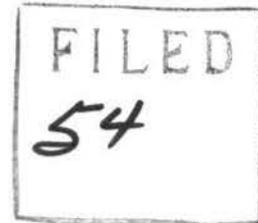


January 6, 1975

OPINION LETTER NO. 54
Answer by letter-Klaffenbach

Honorable Richard J. DeCoster
Representative, District 1
Room 407, State Capitol Building
Jefferson City, Missouri 65101



Dear Representative DeCoster:

This letter is in response to your question asking our opinion concerning the residency requirements of policemen in fourth class cities. We understand your question primarily concerns whether or not police officers have to be residents of the state of Missouri.

The residency requirements of regular policemen are set out in the following sections.

Section 562.210, RSMo, provides:

"Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff except the person so appointed shall be, at the time of his appointment, a bona fide resident of the state."

Section 562.220, RSMo, provides:

"The mayor, chief of police and members of the board of police commissioners of any city in this state shall be governed by the same restrictions and subject to the same penalties as a sheriff of any county, under the provisions of section 562.210."

Section 562.230, RSMo, provides:

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"Any sheriff of any county, or mayor, chief of police or member of the board of police commissioners of any city, now holding office or hereafter elected to any such office, who shall knowingly violate any of the provisions of sections 562.210 and 562.220, shall be punished by imprisonment in the county jail for not less than three months nor more than one year."

Further, we have held in Opinion No. 106, 1972, copy enclosed, that Article VII, Section 8, Missouri Constitution, requires that a city marshal of a town or a fourth class city must be a citizen of the United States and must have resided in this state one year next preceding his election or appointment. Section 79.250, RSMo, applicable to fourth class cities provides in part as follows:

"All officers elected or appointed to offices under the city government shall be qualified voters under the laws and constitution of this state and the ordinances of the city except that appointed police officers, the city attorney, and other employees having only ministerial duties need not be registered voters of the city. . . ."

This constitutes legislative recognition that policemen are "officers." Since fourth class city policemen are "officers," the holding in Opinion No. 106, 1972, is applicable to such policemen.

With respect to special deputies or policemen, Section 542.190, RSMo, provides:

"No sheriff of a county, mayor of a city or other private person authorized by law to appoint special deputies, marshals or policemen in this state to preserve the public peace and quell public disturbances, shall appoint as special deputies, marshals or policemen any person who is not a resident of this state and who has not been a resident of this state for at least three years prior to his appointment."

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We conclude that such police officers therefore must meet the requirements set out above.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 106
11-9-72, Cox