

REPUTABLE PERSON: "Reputable person" to be surety on bond is
CRIMINAL LAW: one of good moral character. Specific acts
BONDS: may be shown in making such determination.
SUPREME COURT RULES:

February 15, 1961



Honorable William A. Collet
Prosecuting Attorney
Jackson County
415 East 12th Street
Kansas City, Missouri

Dear Mr. Collet:

This is in answer to your letter of recent date requesting an official opinion of this office, and reading as follows:

"A question has arisen here concerning the proper interpretation of Supreme Court Rule 32.14 (Subsection 1) setting forth the qualifications for surety on bail bonds. This portion of the rule requires that the bondsman attempting to qualify must be 'A reputable person'. This phrase is not otherwise defined in any other place in the rules, and in any Missouri statute that we can find.

"It would be deeply appreciated if you would furnish us a workable definition of the term 'reputable person' and advise if this term is synonymous with 'a person of good moral character' and, if so, whether specific instances of criminal acts and other similar conduct can be shown, in any hearing which might be held in which the question is in issue."

Supreme Court Rule 32.14 provides as follows:

"An individual shall not be accepted as a surety on any bail bond taken under these Rules unless he possesses the following qualifications:

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1. He shall be a reputable person, at least twenty-one years of age and a bona fide resident of the State of Missouri.
2. He shall not have been convicted of any felony under the laws of any state or of the United States.
3. He shall not be an attorney-at-law, a peace officer, a constable or a deputy constable.
4. He shall not be an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof.
5. He shall have no outstanding forfeiture or unsatisfied judgment thereon entered upon any bail bond in any court of this state or of the United States."

There is no definition by the Supreme Court of the meaning of the term "reputable person" as such term is used in Sub-section 1 of Rule 32.14. We believe that the meaning of such term is that found in the case of Foster v. Crisman, 144 NW 1021, decided by the Supreme Court of Iowa. In that case the Supreme Court of Iowa had under consideration the term "reputable person" within the meaning of a law requiring the statement of consent to the sale of intoxicants to be accompanied by an affidavit of some reputable person that he witnessed the signing of the statement. In discussing the meaning of such term the court said, 1.c. 1023:

" * * * In the Jackman Case, 137 N.W. 906, the words 'reputable person' were for the first time construed. It was there held that they are not equivalent to 'credible person,' and that the word 'reputable' is not confined to a matter of reputation, but that it implies to some degree a character which is worthy of good repute or entitled to the esteem and respect of good citizens generally.

"Another definition of reputable is:
'Having, or worthy of, good repute.'

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Webster's New International Dictionary. Another definition is: 'Not mean or disgraceful.' Century Dictionary. See, also, 34 Cyc. 1623.

"We think it has reference to a person's real character, as distinguished from reputation, as under the statute in regard to seduction, which provides, in substance, that, if a person seduce an unmarried woman of previously chaste character he shall be punished, etc. In such case it is held that it is her actual character in that respect, and not her reputation. Where the real character is the issue, it is competent to show specific acts in order to prove that the person does not possess such a character. * * *"

The court further said, l.c. 1024:

"A person not having a good moral character could not be held to be reputable. A bootlegger and gambler is not a person of good moral character entitled to citizenship under the laws of the United States. In re Trum (D.C.) 199 Fed. 361. See, also, Whissen v. Furth, 73 Ark. 366, 84 S.W. 500, 68 L.R.A. 161; Foster v. Police Commissioners, 102 Cal. 483, 37 Pac. 763, 41 Am. St. Rep. 194; Ouachita County v. Rolland, 60 Ark. 516, 31 S.W. 144; Hardesty v. Hine, 135 Ind. 72, 34 N.E. 701; Grosco v. Rainier, 111 Ind. 361, 12 N.E. 694. In the foregoing cases the actual character was shown.

"It is not necessary, as contended by appellant, that there should be a conviction of, or plea of guilty by, the party attacked in order to show that he is not reputable."

Therefore, in determining who is a reputable person, a determination must be made as to the real character of such individual and specific acts of such person may be shown in making such determination.

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CONCLUSION

It is the opinion of this office that the meaning of the term "reputable person" as it is used in Supreme Court Rule 32.14 means a person of good moral character, and it is further the opinion of this office that specific acts may be shown to determine the real character of such person to determine whether or not he is a "reputable person."

The foregoing opinion, which I hereby approve, was prepared by my Assistant, C. B. Burns, Jr.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

CEB:ml