

PEACE OFFICER: Within the context of Section 557.215, RSMo
CONSERVATION AGENT: 1965 Cum. Supp., making it a felony to assault
ASSAULT: a "peace officer" while in the performance of
his duties, the term "peace officer" includes
agents of the conservation commission and deputy
boat commissioners.

Opinion No. 189

May 26, 1966

Honorable Harold S. Hutchison
Prosecuting Attorney
Maries County
Vienna, Missouri



Dear Mr. Hutchison:

This is in response to your recent request for an opinion
as follows:

"I would like an opinion from your office
on your interpretation of Section 557.215
L 1965 S.B. 190 on whether a conservation
agent while in the performance of his duties
would be classified as 'other peace officer'
so as to make the assault a felony as pro-
vided by the above statute."

In part the law in question provides that:

"Any person who shall willfully strike,
beat or wound any police officer, sheriff,
highway patrol officer or other peace
officer while such officer is actively
engaged in the performance of duties im-
posed on him by law, * * * is guilty of
a crime * * *."

In addition you have asked if the statute applies to
deputy boat commissioners.

We have no statutory or clear cut case law definition of
"peace officer" in this state. However, a universally accepted
axiom of statutory interpretation is that general statutory lan-
guage should be given its plain, ordinary meaning according to
the context in which it appears, State v. Plotner, Mo., 222 S.W.
767.

Other states have had occasion to interpret the term in
question and those interpretations have not been uniform. They

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range from the most liberal, i.e., "* * * 'peace officer' is an exceedingly comprehensive term, embracing public officials of practically every class and position, judges of all degrees, policemen, mayors, aldermen, etc., whether county, municipal or state representatives." Vickers v. State, Tenn., 142 S.W.2d 188; to the most restrictive, but the most generally accepted meaning of peace officer is "* * * a person designated by public authority to keep the peace and arrest persons guilty or suspected of crime and he is a conservator of the peace, which term is synonymous with the term 'peace officer'." Vandiver v. Manning, Ga., 114 S.E.2d 121.

The duties imposed upon a conservation agent by law are (Section 252.080, RSMo 1959) that he shall arrest "* * * any person caught by him or in his view violating or who he has good reason to believe is violating, or has violated [the conservation laws] and take such person forthwith before a magistrate or any court having jurisdiction, who shall proceed without delay to hear, try and determine the matter as in other criminal cases."

The duties imposed upon deputy boat commissioners are that they shall have "* * * the power to arrest for the violation of any provision of Sections 306.010 to 306.210, (The Watercraft Regulations) * * *."

Also under Section 252.080, RSMo 1959, conservation agents are given the same power to serve criminal process as sheriffs and marshalls in connection with violations of the conservation laws which confirm the legislative intent to bring them within the meaning of "peace officer".

CONCLUSION

Within the context of Section 557.215, RSMo 1965 Cum. Supp., making it a felony to assault a "peace officer" while in the performance of his duties, the term "peace officer" includes agents of the conservation commission and deputy boat commissioners.

The foregoing opinion which I hereby approve was prepared by my Assistant, Howard L. McFadden.

Very truly yours,


NORMAN H. ANDERSON
Attorney General