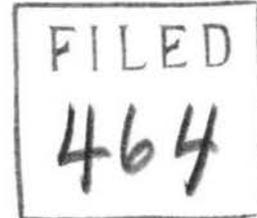


Opinion No. 464
Answered by Letter - Storts

September 8, 1966

Honorable David W. Fitzgibbon
Judge, St. Louis Court of
Criminal Corrections
Municipal Courts Building
St. Louis, Missouri



Dear Judge Fitzgibbon:

Enclosed are copies of Opinions numbered 390 to O'Brien and 69 and 169 to David which my Assistant Brick Storts discussed with you on the telephone.

It is our feeling that you have jurisdiction to hear the three items listed and to determine whether or not to reinstate a drivers license of a person who has refused to take a chemical breath test as provided in Section 564.444, RSMo Cum. Supp. 1965.

The language of paragraph two of the aforementioned section states that a person may request a hearing before a court of record in the county in which he resides or in the county in which the arrest occurred. Looking at that in conjunction with 479.010, RSMo 1959, where the St. Louis Court of Criminal Corrections is specifically called a court of record, it is our feeling you have jurisdiction in hearings of this type.

I hope this answers your question and if we can be of any further assistance, please don't hesitate to call.

Yours truly,

NORMAN H. ANDERSON
Attorney General

Enclosures (3)