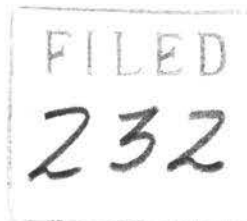


OPINION NO. 232

April 25, 1967

Honorable James Millan
Prosecuting Attorney of Pike County
Bowling Green, Missouri



Dear Mr. Millan:

This is in answer to your letter of recent date requesting an official opinion of this office concerning Section 85.561 RSMo, 1959.

Such Section appears to be one relating to the power of city police officers to make arrests for violations of city ordinances. In view of this fact, it appears there would not be any official duty on the part of the prosecuting attorney relating to such power of city police officers.

Under provisions of Section 27.040, this office is authorized to render official opinions to prosecuting attorneys concerning their official duties only. We are therefore, unable to render you an official opinion on this matter.

We have searched our files and do not find any former opinions on this precise question. However, we do suggest that a study of two cases that might be helpful in this matter. Such cases are Advance v. Maryland Casualty Company, 302 SW2d 28 and Hacker v. Potosi 340 SW2d 166. Such cases arose under Section 85.610 RSMo, 1959, a section applicable to fourth class cities. However, it appears that the cases do contain principles of law which should be helpful in determining the authority of police officers in third class cities under Section 85.561.

Very truly yours,

NORMAN H. ANDERSON
Attorney General