

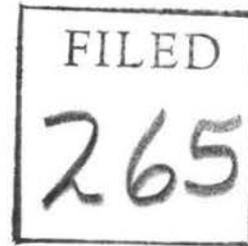
ARREST:

Policemen of third class cities outside of St. Louis County do not have authority to make ordinance violation arrests in hot pursuit beyond city limits.

OPINION NO. 265

October 19, 1967

Mr. James Millan
Prosecuting Attorney
Pike County Missouri
Bowling Green, Missouri



Dear Mr. Millan:

This opinion is issued in response to your request for an official ruling of this office.

You ask whether policemen of a Third Class City have authority to arrest on an ordinance violation in hot pursuit beyond the city limits.

Missouri law is settled that municipal officers do not have power to make ordinance violation arrests outside city limits. That has long been the general rule in this state. City of Advance ex rel. Henley v. Maryland Casualty Co., 302 SW 2d 28; Rodgers v. Schroeder, 287 SW 861.

This rule has a statutory exception. Hot pursuit of ordinance violators across city lines is permitted in St. Louis County. The power does not exist elsewhere; it is withheld from municipal officers in all other Missouri counties. The exclusion is emphatic:

"4. Nothing in this section shall be construed to apply to any act or power of any peace officer in any county of this state other than a county of the first class having a charter form of government * * *" (544.157, RSMo)

Mr. James Millan

CONCLUSION

It is the opinion of this office that policemen of Third Class Cities outside of St. Louis County do not have authority to make ordinance violation arrests in hot pursuit beyond city limits.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Courtney Goodman, Jr.

Very truly yours,


NORMAN H. ANDERSON
Attorney General