

SHOPLIFTING: Private citizen may arrest without warrant for
CRIMINAL LAW: felony or petty larceny committed in his presence.
ARREST:
CITIZENS ARREST:
WARRANTS:

January 23, 1968



Honorable Richard Snider
Assistant Prosecuting Attorney
Cape Girardeau County Court House
Cape Girardeau, Missouri 63701

Dear Mr. Snider:

You ask if there is any way you can give non-residents the power of arrest for shoplifting.

You cite research indicating that non-residents may not be made Deputy Peace Officers.

It is not necessary that all arrests be made by Peace Officers.

In the case of *State v. Parker* 378 SW2d 274, the Court commented concerning arrests by private citizens for certain crimes committed in their presence.

The Court said, l.c. 282:

"* * * The private citizen is limited in the power of arrest; but he does have the right, without warrant or other process, to arrest for certain crimes, such as the commission of a felony or the commission of petit larceny in the presence. But he should be sure both of the crime and of the person. *Pandjiris v. Hartman*, 196 Mo. 539, 94 S.W. 270; *Wehmeyer v. Mulvihill*, 150 Mo. App. 197, 130 S.W. 681; see *State v. Parker*, 355 Mo. 916, 199 S.W.2d 338, 340. * * *"

Very truly yours,

NORMAN H. ANDERSON
Attorney General