

FILED
68

March 3, 1969

Answer by letter-Wieler

OPINION LETTER NO. 68

Honorable Winston V. Buford
Prosecuting Attorney
Shannon County
Court House
Eminence, Missouri 65466

Dear Mr. Buford:

This is in response to your request for an opinion as to whether or not the prosecuting attorney or any other law officer has a right to prepare a list of alcoholics and thereafter notify all taverns and package stores that the people whose names are on this list cannot buy intoxicants.

It is our opinion that this cannot be done. Although Section 311.310, RSMo 1959, prohibits the sale of intoxicating liquor to a habitual drunkard, we have held that a determination of the term "habitual drunkard" is a factual matter to be determined by the Supervisor of Liquor Control or by a court in appropriate proceedings based upon an alleged violation of Section 311.310. See Attorney General Opinion No. 97, Williams, 7-6-53 (copy attached). This being so, we fail to see any legal basis for the publication of a list of alleged alcoholics by the prosecuting attorney or any other law officer for the purpose of compelling retailers to refuse service to the persons on such list.

Such information would in no way establish the fact of habitual drunkenness and, therefore, would not be binding upon any liquor retailer.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 97
7-6-53, Williams