

Magistrate

August 25, 1970

OPINION LETTER NO. 256
(Answered by letter-Nowotny)

Honorable Hugh A. Sprague
Prosecuting Attorney
Buchanan County Court House
St. Joseph, Missouri 64501

Dear Mr. Sprague:

This is in response to your request, through Assistant Prosecuting Attorney Mr. William E. Alberty, for an opinion of this office relating to the following question:

" * * * The Fifth Judicial Circuit has recently been expanded and now includes three counties, whereas, before, only Buchanan County was included. As a result of this recent expansion, do the Magistrate Courts located in the Fifth Judicial Circuit now have jurisdiction to hear applications for Hardship Driving Privileges?"

Subparagraph 1 of paragraph 3, Section 302.309, RSMo 1969, reads as follows:

"All circuit courts and magistrate courts located in counties which are a part of a multi-county judicial circuit shall have jurisdiction to hear applications for hardship driving privileges."

As indicated above, the Fifth Judicial Circuit is now a multi-county judicial circuit. Under the guidelines set forth in Section 1.090, RSMo 1969, which states that words and phrases shall be taken in their plain or ordinary and usual sense, we feel compelled to conclude that the portion of Section 302.309 referred to above

Honorable Hugh Sprague

confers jurisdiction upon magistrate courts in the Fifth Judicial Circuit to hear applications for hardship driving privileges.

Very truly yours,

JOHN C. DANFORTH
Attorney General