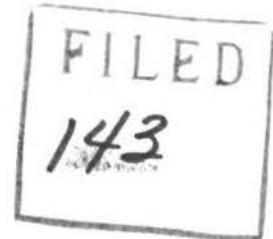


OPINION LETTER NO. 143
Answer by Letter - Klaffenbach

Honorable Ray S. James
State Representative, 5th District
6421 Brookside Road
Kansas City, Missouri 64113



Dear Representative James:

This letter is in answer to your opinion request in which you ask:

- "1. Shall Magistrates open their courts on Sundays to permit filing of new criminal cases.
- "2. Does the Kansas City Police Department have the authority to accept a bond from a defendant, in criminal cases other than traffic."

We enclose our Opinion No. 59, dated March 1, 1954, to McGhee, which is self-explanatory and which we believe answers your first question.

With respect to your second question, Section 84.650, RSMo 1969, which applies to arrest procedure in Kansas city provides:

"The commissioners of police shall cause all persons arrested by the police to be brought before some magistrate or municipal judge within said cities, to be dealt with according to law. Proper police officers in charge of police station houses may, if the offense charged against any person is a bailable one, at the request of such person, take from him a recognizance in such sum as may seem to be

Honorable Ray S. James

sufficient and proper with sufficient sureties for his appearance at the proper time before some magistrate or municipal judge; but no attorney at law, police officer, constable or his deputy, and no official employee holding office under the municipality of the said cities, or the state of Missouri, and no clerk in the employ of such officer, officials or employees shall be accepted as surety upon such bond or bonds; the proper officers in charge of said station houses may administer oaths to parties qualifying as such surety or sureties; and may refuse to receive as such surety or sureties any and all parties with unsavory reputations or who, as professional bondsmen, tend to defeat the ends of justice, and no one shall be accepted as bondsman who shall have standing against him an unsatisfied judgment rendered on a forfeited bond."

The answer to your second question is therefore that the proper officer to receive such bail is the officer in charge of the station house.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 59
3-1-54, McGhee