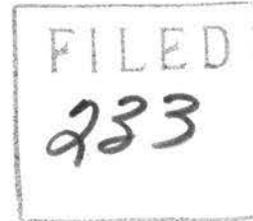


April 1, 1971

Opinion Letter No. 233
Answered by letter-Klaffenbach

Honorable Allan G. Mueller
Representative, District 50
Capitol Building - Room 415
Jefferson City, Missouri 65101



Dear Representative Mueller:

This letter is in response to your opinion request in which you ask concerning the constitutionality of House Bill No. 962 of the 76th General Assembly which has not as yet reached final passage and which relates to pawnshops and pawnbrokers, with penalty provisions. In particular, you question that portion of the bill which requires that the licensee take and retain a photograph of each person who pawns tangible personal property for a loan of money.

In City of St. Joseph v. Levin, 31 S.W. 101 (1895) the Supreme Court of Missouri upheld the constitutionality of a city ordinance requiring pawnbrokers to keep the description of property left in pawn together with the name and residence of the person by whom such property was left and to submit such records for inspection by the police on demand. In our view this decision is still controlling.

We have examined the questioned portion of the bill as well as the bill in its entirety and find no constitutional infirmity.

Very truly yours,

JOHN C. DANFORTH
Attorney General