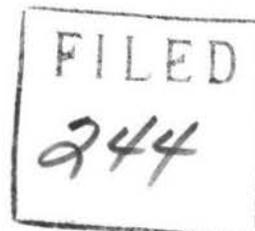


April 8, 1971

Opinion Letter No. 244
Answer by Letter (Klaffenbach)

Honorable Kenneth J. Rothman
Representative, 36th District
Capitol Building - Room 410
Jefferson City, Missouri 65101



Dear Representative Rothman:

This letter is in response to your opinion request which asks whether an elected municipal marshal in St. Louis County must take the course in law enforcement prescribed by Section 66.250, RSMo 1969.

That section provides:

"1. Any person hired after October 13, 1963, to serve as a police officer in a municipal police department in any county of the first class having a charter form of government shall, within six months after beginning such employment, satisfactorily complete a law enforcement officer training course conducted by the county police department or the state highway patrol or any accredited college course for police officers.

"2. Any person required by this section to complete a training course who fails to do so within the six months' period shall not thereafter receive any compensation nor shall he be authorized to act as a police officer until he has satisfactorily completed the course."

We note that this section refers expressly to any "person hired". While various meanings have been given to the word "hire", Words and Phrases, "Hire", p. 149, et seq., nevertheless in each case if at all possible the construction of the

Honorable Kenneth J. Rothman

statute should be consistent with the intent of the legislature. State on Inf. of Taylor v. Kiburz, 208 SW2d, 285 (Mo Sup. 1948).

Clearly the penalty provisions of the section would essentially create a vacancy in the office if the language was held to apply to elected officers. We do not believe that the legislature intended to place additional qualifications on such elected office or to create a cause of forfeiture.

We are accordingly of the view that Section 66.250 does not apply to elected municipal marshals.

Very truly yours,

JOHN C. DANFORTH
Attorney General