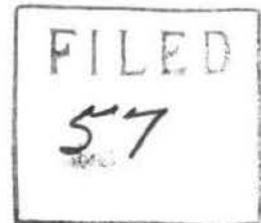


April 17, 1972

OPINION LETTER NO. 57
Answer by letter-Klaffenbach

Honorable Donald L. Manford
State Senator, District 8
Room 425, Capitol Building
Jefferson City, Missouri 65101



Dear Senator Manford:

This letter is in answer to your question in which you ask:

"Do Municipal Judges of municipalities having a constitutional charter have the authority to issue bench paroles to defendants before their courts relative to cases involving violation of municipal ordinances?"

We assume from the further text of your correspondence that you refer to Kansas City or Independence since these are the only constitutional charter cities in your district.

Inasmuch as this office does not normally construe charter provisions, we directed your inquiry to the Office of the City Counselor of Kansas City and herewith attach his reply which we believe answers your question with respect to Kansas City. We also enclose a copy of Section 22.22 of the city ordinances of Kansas City.

We also call your attention to Section 4.2 of the Independence charter providing in part as follows:

Honorable Donald L. Manford

"The municipal judge shall, upon convictions, fix the amount of fine or imprisonment, or both, and costs within the limits prescribed by the charter or ordinance, and shall have power to grant stays of execution and bench paroles, to suspend sentence, and to place defendants on probation."

We are also enclosing for your information Opinion Nos. 213 and 252 issued October 27, 1971, to James G. Baker and Robert B. Paden.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosures