

April 9, 1975

OPINION LETTER NO. 105
Answer by Letter - Klaffenbach

Honorable Ralph Jones
State Representative, District 74
Room 405, State Capitol Building
Jefferson City, Missouri 65101



Dear Representative Jones:

This letter is in response to your question asking whether the persons you describe as "auxiliary policemen" of the City of Overland may carry firearms and make arrests and the applicability of Section 66.250, RSMo, to such persons.

Whether a person is a police officer depends upon whether or not the person has been commissioned as a bona fide police officer. If the person has not been commissioned as a bona fide police officer he is not a police officer and does not have any greater power to make arrests or to carry firearms than an ordinary citizen.

A bona fide appointed police officer is subject to the provisions of Section 66.250, RSMo Supp. 1973, because such section applies expressly to persons who are "appointed after September 28, 1971, to serve as a police officer in any police department in any county of the first class having a charter form of government." In view of the amendment to such section our Opinion Letter No. 115-1970, is withdrawn.

We do not undertake to pass upon any related questions involving ordinances of the city because we do not issue opinions on questions solely involving municipal ordinances.

Very truly yours,

JOHN C. DANFORTH
Attorney General