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Opinion No. 63-15
R-184
March 1, 1963

REQUESTED BY: HONORABLE DOUGLAS HOLSCLOW
State Representative

OPINION BY: ROBERT W. PICKRELL
The Attorney General

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QUESTION: Excepting the provisions having to do with licensing and suspension or revocation of licenses, do police departments, on behalf of cities and towns, and the sheriff's departments, on behalf of the counties, have concurrent jurisdiction with the State Superintendent of Liquor Licenses and Control in enforcing the provisions of the State Liquor Laws of Arizona?

CONCLUSION: Yes.

Section 4-244 A.R.S., 1956, specifically lists and enumerates acts which are unlawful under the Liquor Control Statutes. Section 4-246 A.R.S. makes a violation of any provision of title 4 A.R.S., 1956, a misdemeanor and provides for the punishment thereof.

Section 13-1403 A.R.S., 1956, provides that a peace officer may make an arrest without a warrant for a misdemeanor committed in his presence, providing the arrest is made immediately or on fresh pursuit.

Under Section 1-215 subparagraph (20) A.R.S. as amended 1959 a Peace Officer is defined as follows:

" 'Peace Officers' mean sheriffs of counties, constables, marshals, and policemen of cities and towns."

Section 11-441 A.R.S., 1956, establishes the powers and duties of the sheriff as follows:

"A. The sheriff shall:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who attempt to commit or who have committed a public offense.

Opinion No. 63-15

R-184

March 1, 1963

Page 2

3. Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to his knowledge ...;

While the cities and towns are authorized pursuant to A.R.S. sections 9-219, 9-240, 9-274 and 9-276 to designate their "Peace Officers".

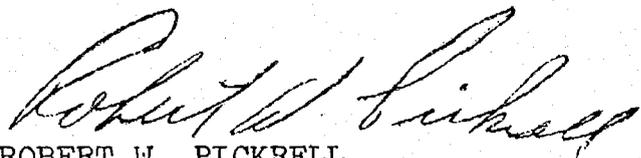
Section 4-112 A.R.S., as amended 1962, establishes the duties of the Superintendent of Liquor Licenses and Control.

"A. The Superintendent of Liquor Licenses and Control shall administer and enforce the provisions of this title....:

D. The Superintendent shall have primary control of the enforcement of laws relating to possession and sale of narcotic drugs and in consideration of these additional duties, he shall receive an additional salary of \$4,800.00 per annum but his total salary shall not exceed \$12,000.00 per annum."

The foregoing section, establishes the scope of the powers of the Superintendent of Liquor Licenses and Control. His powers include the enforcement of the liquor laws and also the enforcement of the narcotics laws. This does not preclude a peace officer, to-wit, a city policeman or county sheriff, from making arrests of persons who commit unlawful acts which are misdemeanors under title 4 of the Arizona Revised Statutes.

It is the opinion of this office that the City Police Departments and the County Sheriff's Offices, have the duty, as well as the concurrent jurisdiction, to enforce the criminal provisions of the liquor law.



ROBERT W. PICKRELL
The Attorney General

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