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August 22, 1951
Op. No. 51-225

Mr. Barry De Rose
Gila County Attorney
Courthouse
Globe, Arizona

Attention: Harold A. Beelar, Deputy County Attorney

Dear Sir:

This will acknowledge receipt of your letter of August 2, 1951, enclosing a request from Clyde Shute, Justice of the Peace, Globe, Arizona, on the following question:

"I am requesting that you obtain an opinion from the State Attorney General in regards to a Justice of the Peace, also holding a job as City Magistrate in the same County and Precinct of which he is Justice of the Peace."

We believe what Mr. Shute wants to know is whether or not a Justice of the Peace may also be appointed City Magistrate of an incorporated city or town.

In answer to Mr. Shute's question, we call your attention to Article 6, Paragraph 9, of the Constitution of Arizona, which, in so far as material to the question, reads as follows;

" * * * and Provided that justices of the peace may be made police justices of incorporated cities and towns. * * *"

We also invite your attention to Section 16-1103 ACA 1939, which section reads as follows:

"The officers of said court shall be a police justice, who shall be chosen in such manner as may be provided by the charter or ordinances of the city or town, and the police officers

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thereof, who shall receive such compensation as shall be fixed by said city or town. Any justice of the peace in said city or town shall be eligible to the office of police justice without thereby losing his office as justice of the peace."

From a reading of the above cited provision of the Constitution and the above quoted section, it is our opinion that if the city or town of Globe, having in their charter or city ordinances a provision authorizing the appointing or electing of a police justice, the Justice of the Peace of that precinct may be appointed.

Trusting the above answers your question satisfactorily, we are

Respectfully,

FRED O. WILSON
Attorney General

MAURICE BARTH
Assistant Attorney General

MB:f

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