

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

August 10, 1949

Wilson

Ralph Morrow, Game Ranger Supervisor
Arizona Game and Fish Commission
Arizona State Building
Phoenix, Arizona

Dear Mr. Morrow:

We have your letter of August 3 regarding an arrest made in Arizona on a warrant issued by a Justice of the Peace at Springerville. You state that after the warrant was served the ranger, at the request of the prisoner, accompanied him to his home, which was situated across the Arizona line in New Mexico, and that the prisoner, upon arriving there, effected an escape by rejecting the jurisdiction of the ranger within the State of New Mexico. You ask whether a ranger has the authority to transport a prisoner under arrest through any portion of New Mexico and whether the prisoner in question had any legal grounds to stand on.

The fundamental rule of law is, of course, that an officer has no jurisdiction outside of his own state. There is one exception to this rule, which is the law of "close pursuit". Most states have enacted this law which, in effect, gives an officer the right to enter another state to make an arrest when he is in "close pursuit" of the person sought to be arrested when such person is believed to have committed a felony in the officer's own state. Even in that situation, however, if the arrest is made outside of the officer's own state, the officer is required to take the prisoner before the magistrate in the state where the arrest was made and, upon a hearing, when the magistrate determines whether or not the arrest was lawful, then the officer must await extradition before he can remove the man back to the original state. We very much doubt from your statement that your ranger could have invoked the law of "close pursuit". Although you do not state the complaint upon which the warrant was issued, we assume it was not for a felony.

Ralph Morrow, Game Ranger Supervisor
Arizona Game and Fish Commission

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Your ranger had made a lawful arrest in Arizona but, having once left his own jurisdiction and the prisoner having escaped through his refusal to accompany the officer back to Arizona, it would be necessary to make a new arrest which, as we said, we doubt that the ranger could do under the circumstances.

We know of no authority for a ranger to transport a prisoner, arrested in Arizona, outside of the State of Arizona, although we realize that in some localities it might be expedient. However, it is our opinion that the ranger should not leave the jurisdiction of the State of Arizona if he does not wish the prisoner to make an effective escape.

Yours very truly,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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