



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

JOHN A. LASOTA, JR.
ATTORNEY GENERAL

May 2, 1978

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Senator S. H. "Hal" Runyan
State Capitol
Senate Wing
Phoenix, Arizona 85007

Re: 78-83 (R78-118)

Dear Senator Runyan:

In your letter of April 24, 1978 you requested an opinion from us in regard to a matter apparently at issue now in a Maricopa County court. We respectfully decline your request for an opinion.

The Attorney General's statutory duty to render written opinions is found in A.R.S. § 41-193A.7, which provides that the Department of Law shall issue written opinions:

7. Upon demand by the legislature or either house thereof, any public officer of the state or a county attorney, render a written opinion upon any question of law relating to their offices.

Without determining whether or not a member of the State Legislature is entitled on his or her own to "demand" a written opinion, it is clear that the legal question you pose is not one relating to the office of a state legislator. While we understand the need for legislators to assist their constituents, to have the Attorney General render legal opinions which benefit officials other than those named in § 41-193A.7 is improper.

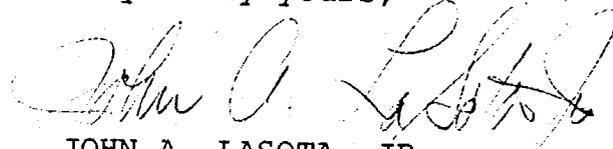
Further, we have long hewed to the policy of not answering issues that are in litigation. Additionally, either the Peoria City Attorney or the Maricopa County Attorney is capable of providing the information you seek. I know that you are well aware of our need to conserve our legal resources, so that we might better serve our lawful clients.

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Finally, without doing any research I think that a search warrant can be served by any Arizona peace officer any-where in Arizona. To the extent that A.R.S. § 13-1362 conflicts with § 13-1445, the latter controls because it is both newer and more specific.

Very truly yours,



JOHN A. LASOTA, JR.
Attorney General

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