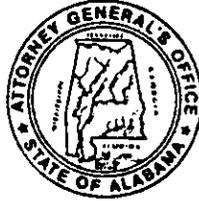


OFFICE OF THE ATTORNEY GENERAL

81-00045



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OCT 30 1980

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205), 836-5180

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT
WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL
JANIE NOBLES
ADMINISTRATIVE ASSISTANT

Honorable W. N. Watson
Municipal Judge, City of Henegar
Watson & Watson
P. O. Box 598
Fort Payne, Alabama 35967

Law Enforcement — Arrest —
Municipalities

City police officers may make
arrest inside that part of their
police jurisdiction which extends
into another county.

Dear Judge Watson:

In a recent letter requesting an official advisory opinion, you stated that the City of Henegar is entirely within DeKalb County, but part of Henegar's Code of Alabama 1975, § 11-40-10 police jurisdiction extends into Jackson County. Your specific request, as clarified in a phone conversation, is for an opinion concerning whether Henegar city police officers have the authority to make arrests within that part of Henegar's police jurisdiction that is outside DeKalb County and inside Jackson County.

The answer to your inquiry is yes. Not only is that conclusion reasonably clear from § 11-40-10 itself, but as you point out in your letter, City of Birmingham v. Lake, 243 Ala. 367, 10 So.2d 24 (1942), holds that county lines are no barrier to the exercise of police powers within the police jurisdiction of a city. Accord, Trailway Oil Company v. City of Mobile, 271 Ala. 218, 221, 122 So.2d 757 (1960);

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see, White v. City of Decatur, 225 Ala. 646, 648, 144 So.
873 (1932).

You should also note that Code of Alabama 1975,
§ 15-10-1 authorizes Henegar city police officers to make
arrests anywhere within DeKalb County. Reading § 11-40-10
and § 15-10-1 together, it is the official advisory opinion
of this office that Henegar city police officers have the
authority to make arrests anywhere within DeKalb County and
in that part of Jackson County which is within the City of
Henegar's police jurisdiction.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



ED CARNES
Assistant Attorney General

EC:sa