



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-16

(501) 371-2007

January 22, 1985

The Honorable Bill Mills
State Representative
220 Searcy Street
Kensett, AR 72082

Dear Representative Mills:

This office acknowledges receipt of your request for an official opinion on the following question.

Can an animal control officer, i.e. dog catcher, issue a summons or citation requiring a court appearance in city court?

For the following reasons, it is my opinion that a dog catcher can issue a citation for violation of a municipal dog control ordinance.

The Arkansas Rules of Criminal Procedure define "citation" as follows:

"Citation" means a written order, issued by a law enforcement officer who is authorized to make an arrest, requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. Rule 5.1(a)

The legislature has specifically provided that municipal inspectors and code enforcement officers may issue citations for the violations of municipal codes, ordinances, and regulations even though they have not met the qualifications and training required under the Law Enforcement Standards Act, Act 452 of 1975. See, Ark. Stat. Ann. §42-1009(b) (1983 Cum. Supp.).

A dog catcher or other municipal inspector may not issue a summons. Rule 5.1(b), Rules of Criminal Procedure, specifies that a "summons" may only be issued by a judicial officer or a clerk of the court acting upon the authorization of a judicial officer.

The foregoing opinion was prepared by Assistant Attorney Arnold M. Jochums.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark".
STEVE CLARK
ATTORNEY GENERAL

SC:AMJ:jkb