

Opinion No. 50-5276

January 18, 1950

BY: JOE L. MARTINEZ, Attorney General

TO: Mary L. Snyder, Secretary Catron County Advisory Board Reserve, New Mexico

{*123} I am in receipt of your recent letter requesting an opinion regarding the authority of who is authorized to arrest traffic violators.

Section 68-905 of New Mexico Statutes Annotated, 1941 Compilation, Sub-Section (b) states:

"Arresting officer must be in uniform. No one shall be arrested upon a charge of violating any provision of this act punishable as a misdemeanor, except by an officer, who at the time of making such arrest, is wearing a uniform which clearly indicates his official status."

The above statute is a clear mandate that only uniformed officers of the law can make arrest for traffic violations.