

Opinion No. 52-5582

September 4, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Richard H. Robinson Assistant District Attorney Fifth Judicial District Carlsbad, New Mexico

{*290} This is in reply to your letter of July 30, 1952, in which you request an opinion as to whether or not a duly appointed deputy game warden is entitled to the \$ 25 fee as an informer under Sections 43-209 and 43-214, New Mexico Statutes Annotated, 1941 Compilation.

{*291} Both of these statutes are mandatory and make no exception as to whether a deputy game warden is a prosecuting witness or any other person not an officer.

It is, therefore, my opinion that a deputy game warden is entitled to the \$ 25 fee as an informer so long as he is not on a regular salary with the State Game Department.

Mr. Barker, State Game Warden, informs me that, according to the policy of their department, a salaried game warden will not be allowed to collect the \$ 25 fee, but a deputy game warden who works on a fee basis, and not on a salary, may collect the fee as a prosecuting witness.

Trusting that this fully answers your inquiry, I remain