

Opinion No. 63-07

February 11, 1963

BY: OPINION OF EARL E. HARTLEY, Attorney General

TO: Foster Evans State Representative Los Alamos County Los Alamos, New Mexico

QUESTION

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Does New Mexico Statutes Annotated 14-48-18 (1953) restrict the size of police forces in H class counties?

CONCLUSION

No.

OPINION

{*19} **ANALYSIS**

New Mexico Statutes Annotated 14-48-18 (1953) provides: The board of county commissioners of the several counties of this state, the county seat of which has a population of more than three thousand (3000) and which is not incorporated, is authorized and empowered to appoint a police force of not more than three (3) persons one of whom shall be designated by such board as the chief of police. . .

There is only one H class county in the state, Los Alamos County, the county seat of which is unincorporated.

H class counties have in addition to the powers granted counties, all those powers which are granted incorporated municipalities, New Mexico Statutes Annotated 15-36-13 (1961 p.s.). See also Opinion of the Attorney General No. 6368, January 1956.

{*20} If H class counties had only the powers of a county, the grant of power in Section 14-48-18 would operate as a limitation on the number of policemen which the county seat could employ. However, H class counties are not so limited. They may also exercise the powers of incorporated municipalities.

Incorporated municipalities have, without limitation as to size, been given the power to regulate the police of the municipality, New Mexico Statutes Annotated, 14-21-22 and 14-21-24 (1953).

H class counties are not, therefore, limited to three policemen in their county seats. The county seat in an H class county may have as many policemen as any incorporated municipality in the state.

By: Joel M. Carson

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