

**Opinion No. 59-95**

August 12, 1959

**BY:** HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Leonard C. Jones Village Attorney P. O. Box 1047 Espanola, New Mexico

{\*154} This is written in reply to your recent request for an opinion on the following question:

It is legal for a municipal policeman to pursue and arrest a person outside of the municipal limits where he does not have a warrant nor did he see the suspect commit an offense but was acting solely upon information and belief?

In answer to this question, it is my opinion that: No, a municipal policeman may not arrest outside of the municipal limits without a warrant.

It is a general proposition of the common law that a municipal policeman only has power to apprehend and arrest without a warrant within the limits of the municipality absent a statute permitting him to arrest outside the municipal limits. See **Brittain v. United States Fidelity and G. Co.**, 219 Ky. 465, 293 S.W. 956; **Martin v. Houck**, 141 N.C. 317, 54 S.E. 291; and generally, 51 L.R.A. 214.

I have examined the New Mexico statutes and have found nothing which gives a municipal policeman the power to arrest without a warrant outside the municipal limits.

It is, therefore, my opinion that a policeman of a municipality cannot arrest without a warrant outside the municipal limits. It should be noted, however, that the doctrine of hot pursuit is an exception to the above discussion, but from the statement of your inquiry, this doctrine was not in question.