

Opinion No. 19-2253

May 7, 1919

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Mr. A. L. Maddox, P. O. Box 788, Tucumcari, New Mexico.

Municipal Officers Have No Authority to Create Red Light Districts or to Authorize Houses of Prostitution.

OPINION

Your letter of the 5th instant, directed to Mr. Askren, regarding the right of cities or towns to permit the operation of houses of prostitution or the creation of Red Light districts, has been received during the absence of the Attorney General.

The laws passed by the last legislature have not yet been printed, and therefore are not available for investigation at this time, but a hasty perusal of the enrolled and engrossed bills as the same appear in the files of the Secretary of State discloses no authority for the creation of Red Light districts or the operation of houses of prostitution, either by permission of the authorities of a city or town or under any other conditions.

The law which passed as House Bill No. 118 provides that the new Board of Health created therein shall have the power to abate any and all nuisances, and if a Red Light district or house of prostitution can be defined as a nuisance, then the same could be abated by the Health Board under the powers granted in this new legislation.

As is well known, federal and state health authorities cooperated during the past year in the abatement of places of this kind, and it is the opinion of the writer that under no conditions will they be tolerated again in this state, provided that notice of any attempt to operate such places is brought to the knowledge of the State Board of Health.

Trusting the foregoing satisfactorily answers your inquiry, I am,