

Opinion No. 29.**Cities and Towns—Officers—Chiefs of
Police—Bonds.**

HELD: It is the duty of councils of cities of the first, second and third class to require and fix the amount of the bonds of chiefs of police.

March 9, 1939

Hon. W. A. Brown
State Examiner
The Capitol

Dear Mr. Brown:

You have requested my opinion on the question "whether or not the law requires chiefs of police of cities of the first, second and third class to be bonded **when not required by city ordinance.**" Your question in the words underscored assumes a fact which cannot legally exist.

It is the duty of the council of cities of the first, second and third class to require such bonds. Section 5016, R. C. M., 1935, provides:

"It is the duty of the council to provide for the accountability of all officers provided for in this title, by requiring of them sufficient security for the faithful performance of their duties or trust, which security must be given by them before entering upon their respective duties. If such security becomes insufficient, additional security may be required, and if not given within ten days, the council, by a vote of two-thirds of the members, may declare the office vacant, and may thereafter fill the same."

The "officers provided for in this title," being the language used in the above quoted section, include chiefs of police, if such be appointed, as such

officers are provided for in Sections 4495 and 4496, R. C. M., 1935. If, therefore, a chief of police should be appointed for a city of the first, second or third class, as authorized by these sections, it would be the duty of the council under said Section 5016 to require and fix the amount of the bond.