

May 18, 2000
OPINION 00-184

Mr. Steve Hawkland
Office of the Secretary of State
P. O. Box 94125
Baton Rouge, LA 70804-9125

71 MUNICIPALITIES
72 NOTARIES – Appointments & Qualifications
LSA-R.S. 35:399
LSA-R.S. 35:399 does not provide authority for colleges or universities to appoint ex officio notaries public for their campus police departments.

Dear Mr. Hawkland:

In your correspondence to this office of recent date you ask whether or not R.S. 35:399 authorizes private and public colleges and universities to appoint ex-officio notaries for their campus police departments. R.S. 35:399 provides:

§ 399. Ex officio notaries for police departments

- A. Notwithstanding any provisions of the law relative to qualifications of notaries public, each chief of police may designate officers in his office and appoint them as ex officio notaries public.
- B. Each officer so appointed may exercise, in the municipality that the police department serves, the functions of a notary public only to administer oaths and execute affidavits, acknowledgements, and other documents, all limited to matters within the official functions of the police department for the enforcement of the provisions of any statute which provides for criminal penalties and of the municipal ordinances which the police department is charged with enforcing.
- C. Each ex officio notary public shall fulfill the same bond requirements as provided by law for notaries in the parish in which the municipality is located. The municipality shall pay as an expense of the office of the chief of police the costs of the notarial seal, the notarial bond, and any fees required for filing the bond.
- D. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation.
- E. The chief of police may suspend or terminate an appointment made pursuant to this Section at any time, and separation from the employ of the police department shall automatically terminate the powers of the ex officio notary public. (Emphasis added).

It is the opinion of this office that R.S. 35:399 is applicable only to municipal police departments and not to campus police departments.

In accord is Attorney General Opinion 93-271, in which the author concluded that R.S. 35:399 does not provide authority for either town clerks or mayors to appoint ex officio notaries for their respective offices, and as applicable here, specifically determined that R.S. 35:399 "is applicable only to police departments and only for the purposes stated".

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: _____
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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Date Received:
Date Released: May 18, 2000

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL