



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 13, 1977

ATTORNEY GENERAL OPINION NO. 77-227

Mr. Nick A. Tomasic
District Attorney
Wyandotte County Courthouse
701 North 7th
Kansas City, Kansas 66101

Re: Courts--Jurisdiction--University of Kansas

Synopsis: The municipal court of Kansas City, Kansas, is not ousted from jurisdiction over nontraffic offenses involving violations of city ordinances which occur on the grounds of the University of Kansas Medical Center by K.S.A. 74-3216, for the title of the bill in which said section was enacted, found at ch. 484, L. 1957, restricts said section only to parking and traffic offenses.

* * *

Dear Mr. Tomasic:

You inquire whether the municipal court of Kansas City, Kansas, has jurisdiction over prosecutions for both traffic and nontraffic offenses occurring on the premises of the University of Kansas Medical Center located in that city.

Clearly, campus policemen employed by the University are empowered to enforce both state laws and city ordinances. K.S.A. 1976 Supp. 76-726. The question arises concerning the proper interpretation of K.S.A. 74-3216, which states thus:

"All prosecutions commenced for violations of this act shall be brought in a court in the county where the violation occurred which

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has jurisdiction of misdemeanors committed in said county, and said court shall proceed in such cases as it would in any other criminal matter over which it has jurisdiction." [Emphasis supplied.]

This provision was enacted as section 8 of a 1957 enactment which vested in the State Board of Regents the care, control, maintenance and supervision of all roads, streets, driveways and parking facilities on the grounds of institutions under the jurisdiction of the Board. The Board was authorized to adopt rules and regulations governing the parking of motor vehicles on the grounds of such institutions, and prescribing speed limits on the roads, streets, driveways and grounds of such institutions. K.S.A. 74-3211. Under K.S.A. 74-3215, violation of any of the provisions of the act, or any rule or regulation promulgated thereunder, is a misdemeanor, and K.S.A. 74-3216, cited above, requires that all prosecutions for "violations of this act" to be brought in a court having jurisdiction of misdemeanors committed in said county. In a recent appeal from the Kansas City, Kansas, municipal court to the Wyandotte County District Court from a conviction of a nontraffic offense committed on the Medical Center Grounds, the court construed K.S.A. 74-3216 to require prosecutions of all offenses to be brought in the district court. The court stated thus:

"It's the court's opinion that the legislature probably had in mind granting specific authority to the State Board of Regents to allow prosecutions for traffic offenses. [However] I believe they have conferred jurisdiction solely on county courts and, impliedly at least, eliminated any municipal court jurisdiction for offenses other than traffic which occur on grounds owned or controlled by the State Board of Regents"

In my judgment, the court construed K.S.A. 74-3216 overbroadly, to apply to nontraffic as well as traffic offenses. The breadth of the act is limited by its title. The title of the 1957 enactment, of which K.S.A. 74-3216, provided thus:

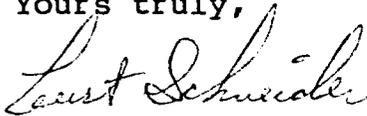
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"AN ACT relating to certain state educational institutions, providing for the regulation and control of traffic and parking on the roads, streets and driveways of such institutions and parking on parking facilities at such institutions, authorizing the charging and collection of certain fees, prescribing the powers, duties, authority and jurisdiction of the state board of regents and of such educational institutions in relation thereto, and providing penalties for violations of the act and any rules and regulations adopted by the state board of regents."

The title of the act fairly and clearly restricts the scope of the act to traffic and parking offenses. K.S.A. 74-3216 concerns jurisdiction only of prosecutions commenced for "violations of this act," i.e., for parking and traffic violations.

Thus, I must respectfully suggest that K.S.A. 74-3216 does not oust the Kansas City, Kansas, municipal court from jurisdiction to entertain prosecutions for nontraffic violations of city ordinances alleged to have been committed on the grounds of the University of Kansas Medical Center. To construe K.S.A. 74-3216 to include offenses other than traffic and parking offenses would render the bill of broader application than that permitted by its title, and constitutionally, the title of the bill is controlling. Article 2, § 16, Kansas Constitution.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

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