

PENITENTIARY:

Inmates confined in Boonville Reformatory cannot be transferred out of said Institution to Algoa upon reaching seventeen years of age.

7-24
July 22, 1935



Hon. George D. Bryant
Chairman Pardon and Parole Board
Department of Penal Institutions
Jefferson City, Missouri

Dear Sir:

This is to acknowledge your letter, as follows:

"The Penal Board of the Missouri State Penal Institutions desires information relative to a transfer of boys from the Missouri Training School for Boys at Boonville to the Intermediate Reformatory at Algoa.

The question is: does the Penal Board, with the approval of the Governor, have authority to transfer boys who are at the Missouri Training School for Boys and who have reached the age of seventeen years, to the Intermediate Reformatory at Algoa."

Article II of Chapter 44, R. S. Missouri 1929, and amendments, Laws of 1933, page 331, pertain to the Missouri Training School for Boys. Section 8345 Laws of Missouri 1933 provides as follows:

"The institution heretofore known as the "Missouri Reformatory," located at Boonville, Missouri, shall continue to be maintained and shall hereafter

be designated as the 'Missouri Training School for Boys;' and wherever the words 'Missouri Reformatory' or the words 'Missouri Reform School for Boys,' or 'Missouri Training School for Boys' occur in the statutes they shall be held to mean and refer to the 'Missouri Training School for Boys' located at Boonville, Missouri.

Article VI, Chapter 44, relates to the Intermediate Reformatory at Alcoa for young men. Section 8466 of said Article and Chapter provides as follows:

"An intermediate reformatory for young men, who for the first time have been convicted of a felony as hereinafter designated, is hereby established."

It is thus seen that in Missouri there are two reformatories, namely, the Missouri Training School for Boys at Boonville, Missouri, and the Intermediate Reformatory at Alcoa. Your question relates to the Missouri Training School for Boys located at Boonville, Missouri. Nothing is found in the statutes that permits the Governor or the Penal Board of the Department of Penal Institutions to transfer inmates incarcerated in the Missouri Training School for Boys at Boonville, to the Intermediate Reformatory at Alcoa when such inmates become seventeen years of age. However, provision is made for the transferring of inmates confined in the Intermediate Reformatory at Alcoa to the penitentiary. See our opinion dated August 16, 1934 to Hon. J. M. Sanders, Warden, a copy of which is hereto attached.

From the above, it is our opinion that an inmate confined in the Missouri Training School for Boys at Boonville, Missouri, upon reaching seventeen years of

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age cannot be transferred to the Intermediate Reformatory at Alcoa.

Yours very truly,

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Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

JLH:LC

Inclosure