

PENAL BOARD--CONVICTS: Certificate of Penal Board-issuable---
in compliance with Section 8442 R.
S. 1929, upon demand of former convict.

10-4
October 3, 1935.



Mr. W. M. Oakerson
Secretary of Penal Board
Jefferson City, Missouri

Dear Sir:

We acknowledge your request for an opinion dated
October 1, 1935, which reads as follows:

"Section 8442 R. S. Mo. 1929 calls
for a certificate to be furnished
by the Board of Pardons and Pa-
roles.

"Please furnish this office with a
facsimile topographical certifi-
cate containing the necessary legal
form and substance which, in your
opinion, should be issued by the
Board in compliance with the pro-
visions of this section or other
sections particularly relating to
the provisions of this section. Also,
please advise how the minutes of the
Board should record the issuance of
said certificate."

Section 8442 R. S. Mo. 1929, provides as follows:

"Any convict who is now or may
hereafter be confined in the peni-
tentiary, and who shall serve three-
fourths of the time for which he or
she may have been sentenced, in an
orderly and peaceably manner, with-
out having any infraction of the
rules of the prison or laws of the
same recorded against such convict,
shall be discharged in the same
manner as if said convict had
served the full time for which
sentenced, and in such case no
pardon from the governor shall be

required; and in all cases of first conviction of felony the civil disabilities incurred thereby shall cease at the end of two years from such discharge under the three-fourths rule, and such convict shall thereupon be restored to all the rights of citizenship: Provided, the he or she shall not have been indicted, informed against by the prosecuting or circuit attorney, or convicted of any other crime, during such period, and shall obtain a certificate to that effect from the board, whose duty it shall be, upon proper showing, to issue the same and keep a record thereof; Provided further, that nothing herein shall be construed as repealing section 12971, R. S. 1929."

It is our opinion that the minutes of the Penal Board, upon issuance of the Statutory certificate should read as follows:

Minutes for the _____ day of _____ 1935.
 A certificate as authorized by Section 8442 R. S. Mo. 1929, was ordered issued by the Board and the Secretary was directed to furnish the former convict _____ prisoner No. _____, with the original certificate and a copy of said original certificate was ordered hereto attached to the minutes and made a part of the records of the Board. (Here follows a copy of the original certificate issued and attached pursuant to the above order.)

CERTIFICATE.

State of Missouri)
) ss.
 County of Cole)

Before me personally appeared _____,
 and _____,
 to me known to be the members of the Board of

Pardons and Paroles on the _____ day of _____, and on their oath they state that they have investigated the records of the penitentiary, and that they have made additional investigation, and to their best knowledge and belief they swear that _____, former prisoner, No. _____ has not been indicted or informed against by any Prosecuting Attorney, nor has he been convicted of any other crime since his discharge from the Penitentiary on the _____ day of _____ to the date of this certificate.

Members of the Parole Board.

Subscribed and sworn to before me this _____ day of _____ 19____.

 Notary Public.

My Commission expires _____ day of _____ 19____.

It is our opinion that the form and substance of the certificate above outlined is a facsimile typographical certificate containing the necessary legal form and substance sufficient to comply with the provisions of Section 8442 R. S. Mo. 1929, and all other sections particularly relating to the provisions of this Section.

Respectfully submitted

WM. ORR SAWYERS
 Assistant Attorney General.

APPROVED:

 JOHN W. HOFFMAN, Jr.
 (Acting) Attorney General.