

PENAL INSTITUTION: MISSOURI REFORMATORY: --

Superintendent may not
receive a contagious
person.

3-22
March 21, 1935.



Hon. Oll Rogers
Sheriff of Jasper County
Carthage, Missouri

Dear Sir:

This department is in receipt of your letter of
March 12th, wherein you state as follows:

"I am writing you for information and
your opinion in reference to Mr. H. G.
Gray, Superintendent of the Missouri
Training School for Boys at Boonville,
in refusing to receive a boy who is
duly sentenced to that institution and
who has the gonorrhoea. I had a commit-
ment for a boy, Howard Lee, dated March
2nd, 1935, sentenced by Hon. Wilbur J.
Owen, Judge of Division #2, Circuit
Court of Jasper County, Missouri, and
duly signed by Geo. E. Masters, Circuit
Clerk of Jasper County, Missouri, and
I delivered this boy who I think is
about 16 years old to the Missouri Train-
ing School for boys at Boonville last
Sunday, March 10th, and because of his
having this contagious disease, they
refused to accept him and I had to bring
him back to Carthage, Mo.

"All other institutions, penitentiaries,
jails and asylums receive patients and
criminals under this same condition and
I would like to have your opinion on
this matter, in reference to accepting
this boy at Boonville."

Section 8352, R. S. Mo. 1929, as it relates to the
Missouri Reformatory provides that,

"No person who is neglected or dependent

or who is idiotic or insane, or who has any contagious disease, shall be committed to or received by the superintendent into said institution not especially appropriated."

The court in the case of Sally v. Brown, 295 S. W. (Ky.) 890, loc. cit. 891, recognized that gonorrhoea was a contagious disease and with reference to it stated in part:

***** gonorrhoea, a contagious inflammatory disease of the genito-urinary tract, caused by a specific micro-organism *****"

Our courts will take judicial notice of the fact that gonorrhoea is a contagious disease, and we are of the opinion that the Superintendent of the Missouri Reformatory at Boonville, Missouri, was clearly following the statute in refusing the boy.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney-General.

APPROVED:

ROY MCKITTRICK
Attorney-General

MW/WOS:afj