

PENAL INSTITUTIONS -- Intermediate Reformatory inmates entitled to parole hearing after serving seven-twelfths of sentence orderly and peacefully.

June 25, 1938.

Honorable Frank G. Harris, Chairman
Board of Probation and Parole
Jefferson City, Missouri



Dear Governor:

We acknowledge your request for an opinion dated June 23, 1938, which reads as follows:

"Section 8477, R. S. of Missouri, 1929, relating to the Intermediate Reformatory at Algoa states as follows:

'Any inmate who should be confined in said reformatory, who shall serve seven-twelfths of the time for which he may have been sentenced in an orderly and peaceable manner, without having any infractions of the rules of the reformatory or rules of the same recorded against him, shall be eligible for making application for parole and shall be given a hearing for parole.'

"I would be pleased to have your opinion as to whether or not the section of which the quotation is a part was repealed by the Probation and Parole law passed at the last Legislature. In other words, I desire to have your opinion as to whether or not we, in our hearings and the granting of paroles at Algoa are bound by the part of the section of the statute above quoted."

Laws Mo. 1937, page 400, Section 2, reads as follows:

"There is hereby created and established a Board of Probation and Parole. The powers and duties relative to paroles, commutations of sentence, pardons, and reprieves, now vested in the Commissioners of the Department of Penal Institutions and the Intermediate Reformatory Parole Board are hereby vested in the Board created and established by this Act. Said Board shall be deemed a continuation of the Department of Penal Institutions and the Intermediate Reformatory Parole Board in so far as the Commissioners of that Department and the Intermediate Reformatory Parole Board are empowered to act in relation to investigations, paroles, commutations of sentence, and pardons, and all matters pending before such Commissioners and the Intermediate Reformatory Parole Board in connection with paroles, commutations of sentence, and pardons shall be carried on and completed by the Board created in this Act."

Laws Mo. 1937, page 403, Section 11, reads as follows:

"All Acts and parts of Acts in conflict herewith are hereby repealed."

CONCLUSION

Section 8477, R. S. Mo. 1929, as quoted in your request, is still the law, unless it be in conflict with

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the provisions of the 1937 probation and parole laws.

Section 8477, supra, was intended to favor orderly and peaceful inmates of the Intermediate Reformatory with a statutory right to a parole hearing before the Parole Board after completing seven-twelfths of a sentence. In our opinion there is no provision in the 1937 probation and parole laws which conflicts with the statutory right given to inmates of the Intermediate Reformatory who qualify, and we believe the present Parole Board is legally bound to give such qualified inmates a parole hearing after completion of seven-twelfths of their sentence. This is a legislative favor for good behavior.

Very truly yours

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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