

INSTITUTIONS:  
MISSOURI TRAINING SCHOOL  
FOR BOYS:

When male persons between 17 & 21 yrs.  
may be committed.

Boys from 17 & 21 charged, tried &  
convicted as delinquents in Section  
14159 R.S. Mo. 1929 may be sent to  
Missouri Training School for Boys.

February 17, 1938

Mr. J.E. Matthews,  
Department of Penal Institutions,  
Jefferson City, Missouri.

SUPPLEMENTAL OPINION

Dear Sir:

After rendering the opinion dated January 27, 1938, pertaining to the age limit of persons who may be admitted to the Missouri Training School for Boys, I find upon reading Section 14159 R.S. Mo. 1929, that there is one exception to the rule that I made in that opinion, and I am submitting the following as a supplemental opinion to the one to you dated January 27, 1938. Section 14159 R.S. Mo. 1929 is as follows:

"Whenever in the state of Missouri any minor of the age of seventeen years or over shall commit any of the acts constituting a delinquent child as defined in the statutes of this state, applicable to children under seventeen years, such minor may be caused to be brought by his or her parents or lawful guardian or by the probation officer or by any person interested in said minor, before a court of record having jurisdiction over misdemeanors, and tried in the same manner as a person charged with the commission of a misdemeanor. Upon the finding of delinquency, the court may proceed to make such order in the case as may seem to be for the best interests of said minor, either by commitment to any public institution, or to any private institution willing to receive such minor, or to the care and custody of any individual willing to care for said minor or said minor may be left in the care of his or her parents or guardian, subject to the supervision of the court under suspended sentence; or the court may proceed to make any other lawful disposition of the

2-19  
FILED

57

case."

And under Section 14161, I find the words "delinquent child" as defined to include:

"\*\*\*\*\* The words 'delinquent child' shall include any child under the age of seventeen years who violates any law of this state, or any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters house of ill-repute or any place where any gambling device is operated; or any saloon or dramshop where intoxicating liquors are sold; or who is either habitually truant from any day school, or who, while in attendance at any school, is incorrigible, vicious or immoral. \*\*\*\*\*."

CONCLUSION

By virtue of the provisions of the foregoing sections, this office is of the opinion that any male person between seventeen and twenty one years of age who commits any of the acts constituting a delinquent child as defined in Section 14161, supra, and who is charged, tried and found guilty as a delinquent child under the provisions of Section 14159, supra, may be committed to any public institution.

We are further of the opinion that such minor convicted as aforesaid may be committed to the Missouri Training School for Boys.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney General

APPROVED:

---

J. E. TAYLOR  
(Acting) Attorney General

TWB:DA