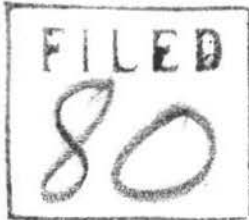


CRIMINAL LAW: The provisions of §560.610, RSMo 1949, as amended by the Laws of 1955, do apply to any person of the age of twenty years or more who pleads guilty to a violation of any of the offenses enumerated in the aforesaid section.



May 9, 1957

Honorable Earl H. Schrader, Jr.
First Assistant Prosecuting Attorney
Jackson County
415 East Twelfth Street
Kansas City, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"Would you kindly advise the writer of your interpretation of the hereinafter set out section of Missouri Statute 560.610:

' * * * Provided, that the provision of this section shall not apply to any person who at the time of his conviction shall be under the age of twenty years.'

"I have in mind a situation where a defendant was under the age of twenty years at the time of the committing of the crime and later pleaded guilty after he reached the age of twenty-one."

Section 560.610, RSMo 1949, mentioned by you above, was amended by the Laws of 1955. However, that portion of the section which you quoted in your letter was not changed by the amendment.

It would appear to us to be clear that Section 560.610, RSMo 1949, as amended by the Laws of 1955, would apply in the situation which you set forth. The section clearly states that

Honorable Earl H. Schrader, Jr.

"the provisions of this section shall not apply to any person who at the time of his conviction shall be under the age of twenty years."

In the situation which you present to us, the person who committed the crime was at least twenty-one, and it would appear inferentially that, since the provisions of the statute did not apply to anyone who at the time of his conviction was under the age of twenty, it would apply to those persons who were twenty years of age or more, which is the situation in the case which you present to us.

CONCLUSION

It is the opinion of this department that the provisions of Section 560.610, RSMo 1949, as amended by the Laws of 1955, do apply to any person of the age of twenty years or more who pleads guilty to a violation of any of the offenses enumerated in the aforesaid section.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Hugh P. Williamson.

Very truly yours,

JOHN M. DALTON
Attorney General

HPW:ld;ml