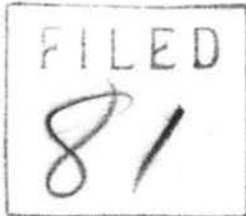


MISSOURI TRAINING SCHOOLS:
JUVENILES, PAROLEES;
SHERIFFS:

Information as to parolees from Missouri State Training Schools not to be furnished to sheriffs for posting.



December 4, 1953

Honorable W. E. Sears,
Director
Board of Training Schools,
Jefferson City, Missouri.

Dear Sir:

This is in answer to your letter of recent date, requesting an official opinion of this office, and reading as follows:

"Senate Bill #404 as passed by the 67th General Assembly was signed by Governor Donnelly on June 19, 1953 and will, I believe, become active August 29, 1953.

"This bill relates to sheriffs in counties of the third and fourth class compiling each month a list of all known parolees in his county, giving the name, the nature of the conviction, and duration of parole. The original list to be posted in the sheriffs office with a duplicate copy furnished to the prosecuting attorney and clerk of the circuit court.

"The enacted legislation requires all county and state officers to furnish the sheriff information from their files about any parolees and juvenile delinquents, upon request of the sheriff, except confidential information required by law to be kept confidential by any county or state officer.

"Within recent days, several sheriffs have requested the preparation of such information so that such a list could be made available as of August 29, 1953.

"Section 219.180 RS Mo. Volume I, Page 1900, is to the effect that disclosure of information contained in the records of the Board of Training Schools relating to any child committed to it shall be made only in accordance with regulations prescribed by the board.

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"The Board of Training Schools in its copy of rules and regulations, on file with the Secretary of State, sets up the manner in which this confidential information shall be made available. This board rule and regulation does not provide for the issuance of information for any official or agency to post publicly the name, the nature of the conviction, or the duration of a person on placement (parole) through board action.

"It is respectfully requested therefore, that clarification be made by your office as to the board's responsibility to make such information available for public posting in the sheriffs office, with duplicate copies being furnished to the prosecuting attorney and the clerk of the circuit court as provided for in Senate Bill #404. This question also involves not only those individuals released by the institution but those children being supervised by the Board of Training School representatives in cooperation with proper courts -- said children never having been at the institution originally.

"The Board of Training Schools is complying with Senate Bill #227 (effective date March 18, 1952) in making available to the clerk of the circuit court of class three and four counties, the names of all persons sentenced from his county who have been paroled by said board, together with a record of revocation, termination, or final discharge. It is noticeable, however, that the file and records so presented to the circuit clerk of the third and fourth class counties shall be open to inspection only on order of the circuit court.

"Your early consideration and official opinion regarding the question pertaining to Senate Bill #404 is respectfully solicited."

Senate Bill #404 of the 67th General Assembly, effective August 29, 1953, provides as follows:

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"Section 1. In all counties of the third and fourth classes, having neither a county superintendent of public welfare nor a probation officer, the sheriff shall investigate all cases arising under sections 211.310 to 211.510, RSMo 1949, and shall furnish the court such information and assistance as the judge may require.

"2. In all such counties having a county superintendent of public welfare or a probation officer, the sheriff shall be designated as assistant probation officer and as such shall assist the probation officer or the county superintendent of public welfare in all investigations.

"Section 2. The sheriff shall compile each month a list of all known parolees in his county, giving the name, the nature of the conviction, and duration of parole. The original list shall be posted in the sheriff's office and a duplicate copy shall be furnished to the prosecuting attorney and clerk of the circuit court. Each month the sheriff shall add new names to the list of all parolees and delete the names of all persons whose parole has expired. All county and state officers shall furnish the sheriff information from their files about any parolees and juvenile delinquents upon request of the sheriff, except confidential information required by law to be kept confidential by any county or state officer. (underscoring ours).

"Section 3. For the performance of the additional duties required by this law the sheriff in fourth class counties shall receive in addition to his regular compensation the sum of seven hundred twenty dollars per year, and the sheriff in third class counties shall receive the sum of twelve hundred dollars such sums to be paid in twelve equal monthly installments."

Section 219.180 RSMo 1949, provides as follows:

"Disclosure of any information contained in the records of the board relating to any child committed to it shall be made only in accordance

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with regulations prescribed by the board; provided that such regulation shall provide for full disclosure of such information to the parents, grandparents, brothers and sisters, guardian, or if there be none of the aforementioned, or they be out of this state, to the nearest immediate relatives of such child upon reasonable notice and demand."

"Any employee or officer of the board who shall communicate any such information in violation of any such regulation shall be subject to immediate discharge or removal from office by the board."

It is a fundamental rule of statutory construction that statutes must be harmonized, and each statute given full effect, if possible. When Senate Bill #404 and Section 219.180, supra, are both given effect, we see that if a rule of the State Board of Training Schools prohibits the posting of the names of parolees from such school, such information should not be released.

Section 12B, Rules and Regulations of the Missouri Training Schools Board provides as follows:

"Information or data in a girl or boy's file, at one of the schools or after said child is released on parole (placement) shall be held in confidence and not be made available for release or posting for public information -- exception being that information or data could be used in open court proceedings after file had been properly subpoenaed by court order."

Since the rule of the Missouri Training Schools Board prohibits the disclosure of information regarding parolees for posting or for public information, it is our view that the Board of Training Schools should not disclose any information regarding parolees from the Missouri State Training Schools.

CONCLUSION

It is the opinion of this office that the Missouri State Training Schools Board should not disclose for purposes of post-

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ing or for public information, information concerning parolees from such school.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. C. B. Burns, Jr.

Very truly yours,

CBB/ld

JOHN M. DALTON
Attorney General