

## Opinion No. 47-5065

August 14, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. G. T. Watts, District Attorney, Roswell, New Mexico.

{\*78} This will acknowledge receipt of your letter of August 6, 1947 wherein you request the opinion of this office as to whether a district judge, in a juvenile court action, may order confinement of a juvenile delinquent in the juvenile ward of the county jail, when, in the opinion of the Court the facts do not justify sending the juvenile to a reform school, yet {\*79} the facts do justify punishment of confinement in the juvenile ward of the county jail for a short period of time.

Section 44-102 of the Supplement to the New Mexico 1941 Compilation, provides that the juvenile courts of this state shall have exclusive original jurisdiction over juvenile delinquents, and over all matters arising under the act. The section also provides that the respective district judges shall be judges of the juvenile courts.

Section 44-111 of the Supplement to the New Mexico 1941 Compilation, provides that the juvenile courts of this state shall make such order for the commitment, custody and care of juveniles as the juveniles' own good requires. The section also sets out certain specific persons and institutions to which a district court **may** commit the juvenile.

Section 45-401 of the New Mexico 1941 Compilation provides that when a boy under eighteen years of age is adjudged a juvenile delinquent, the Court **may**, if it deems it proper, order him committed to the New Mexico Industrial school.

The above statutes clearly give the District Judge complete jurisdiction and discretion to make such orders for commitment of juveniles as the circumstances of the case and the juvenile's own good warrant.

I am of the opinion that a district judge may order confinement of a juvenile delinquent in the Juvenile Ward of the County Jail.

By: WILLIAM R. FEDERICI

Asst. Atty. General