

Opinion No. 48-5155

June 4, 1948

BY: C. C. McCULLOH, Attorney General

TO: Dr. M. McCreary, Supt., New Mexico State Hospital, Las Vegas, New Mexico.

{*153} This will acknowledge receipt of your letter of June 1, 1948 in which you request the opinion of this office as to whether or not a discharge of a patient at the New Mexico State Hospital by the Medical Superintendent restores to the discharged person his full citizenship rights.

Section 37-220 of the 1941 Compilation provides that:

"The district judge of the county from which any patient has been committed by his order **or** the medical superintendent of the New Mexico Insane Asylum by his written certificate filed with the secretary of the directors of said asylum, or its other duly authorized agent, may discharge any patient except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of criminal offense, at any time, * * *"

Then follows the situations under which a discharge may be granted by the District Judge or the Superintendent.

Sub-paragraph 6 of Sec. 37-220 of the 1941 Compilation then provides that:

"When any person is discharged from the New Mexico Insane Asylum, **as recovered**, there shall be issued by the medical superintendent, or his duly authorized assistant, a certificate of discharge which shall provide for the discharge of such person from said asylum, as recovered, **and that said person is restored to the full status of a sane person.**"

You will note that Sub-paragraph 6 provides that a person who is discharged, **as recovered**, shall be restored to the full status of a sane person.

In view of the provision made by the statutes above, it is my opinion that when a patient is discharged, as recovered at the New Mexico State Hospital by the Medical Superintendent, said discharge restores to the discharged person his full citizenship rights.

By WILLIAM R. FEDERICI,

Asst. Atty. General