

Opinion No. 19-2247

April 14, 1919

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Mr. Jas. D. McPike, Superintendent, New Mexico Reform School, Springer, New Mexico.

District Courts Have Supervision Over Inmates of Reform School.

OPINION

We are in receipt of your letter of the 9th instant requesting an opinion from this office regarding the construction of section 9, Chapter 4, Laws of 1917, in regard to the supervision of district courts over inmates of the Reform School.

There is no doubt but that the New Mexico Reform School is such an institution as is named in this section of the act, and that courts retain the right to parole any one of the inmates at any time before or after sentence.

The second inquiry involves a construction of that part of section 1, which provides that "said juvenile court shall have full power to cause such juvenile delinquent to be brought before it for trial and to award such sentence as the law may authorize," but we do not agree that a boy could be ordered to the institution unless he were sentenced to serve a term there, and that the court would not be authorized to commit a boy to the institution to await the further order of the court. After commitment in the regular way, however, then the court could order him released on probation or parole, and if he violates the provisions or terms of the parole or probation agreements, then he could be brought before the court and sentenced to serve such further time as the law would authorize.

Section 5 of the act provides that juvenile delinquents shall be wards of the court and as such, the court retains full authority and jurisdiction to handle the boys as it may deem proper.

We, therefore, are of the opinion that the court could commit a boy to the institution for an indeterminate period, and that he could be paroled at any time within the discretion of the court.