

**Opinion No. 19-2420**

November 4, 1919

**BY:** O. O. ASKREN, Attorney General

**TO:** Mr. H. G. Ervien, Superintendent Reform School, Springer, New Mexico.

Sentence, Good Time Allowance For and Release of Prisoners in Reform School.

**OPINION**

In reply to your letter of November 3rd, advise that the laws are deficient concerning the release of boys committed to your institution. However, in answer to your query,

"Who has the right to release a boy after he has served his minimum sentence?"

advise that on recommendation of your board and the Superintendent to the Governor, that the Governor could pardon or parole, and no doubt would follow such recommendation.

As to your second query,

"Who can give good time as they do in the penitentiary?" advise there is no provision of law covering the subject. However, I am sure the Governor would co-operate with you and your board if you desire to install such a system, that is to say, the Governor no doubt would follow your recommendation accompanied by the recommendation of the board that a boy should be paroled by reason of the fact that he had, during his incarceration, conducted himself in an exemplary manner. However, before you install this system I would suggest that you take the matter up with the Governor.

As to the third query,

"Has a judge the right to sentence a boy here for an indefinite length of time, until the further orders of the court?"

I know of no provisions of the law wherein any person in this state may be incarcerated in any of the penal institutions unless a minimum and maximum time be fixed by the court.