

Opinion No. 25-3852

August 28, 1925

BY: JAMES N. BUJAC, Assistant Attorney General

TO: Requested August 28, 1925, by Hon. Juan N. Vigil, State Auditor, Santa Fe, N.M.

Transportation of an indigent person committed by the District Court to the New Mexico Insane Asylum is to be paid by the County from which such indigent insane person is taken.

OPINION

Your request is as follows:

"We have received a claim from the sheriff of Taos County for compensation in the matter of the transportation of an indigent patient to the Insane Asylum at Las Vegas, N.M. The claim reads that the expenses for the transportation of such person, should be paid by the State, and this being the first case, I fail to find a law authorizing us to pay this claim. We therefore request if in your opinion it would be legal to approve this claim."

§ 5099, New Mexico Statutes, Annotated, Codification of 1915, after providing the procedure by which a person can be declared insane, reads, in part, as follows:

"And further, if said person is indigent, he (the Court) shall so certify to the Board of Directors of the Insane Asylum, and shall order said person to be committed to said Asylum, and such indigent insane person shall be admitted to said Asylum upon the presentation of such certificate. And in such case the Court shall have the right to make an order granting the reasonable costs and charges of transportation of such person to said Asylum, against the County from which he is taken, and the County Commissioners of such County shall audit and allow the same in favor of the several persons entitled thereto."

From the language of the above quoted section it is clear that the transportation of an indigent person committed by the District Court to the New Mexico Insane Asylum is to be paid by the County from which such indigent insane person is taken.