

Opinion No. 39-3300

October 13, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Dr. W. C. Curphey, Superintendent, New Mexico State Hospital, Las Vegas, New Mexico.

{*114} In your letter of October 10 you inquire as follows:

"We wish to determine whether the Superintendent of this Institution is within his legal rights in paroling a patient to whomever he wishes without the permission of the patient's nearest relatives."

The only pertinent section of the Law that touches upon your inquiry is sub-section 3, of Section 24, of Chapter 76, New Mexico Session Laws of 1933, providing as follows:

"3. **Parole.** The superintendent may grant a parole to a patient under general conditions prescribed by the directors of the Insane Asylum of New Mexico."

From the foregoing, it appears that the superintendent may parole patients subject only to the conditions prescribed by the directors of the asylum.

FRED J. FEDERICI,

Asst. Atty. Gen.