

Opinion No. 43-4235

February 16, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. J. O. Garcia, Business Manager, New Mexico State Hospital, Las Vegas, New Mexico

We are in receipt of your letter of February 12, 1943, in which you ask whether patients paroled or discharged from the hospital must be delivered to their homes by the sheriff of the county in which they were committed or by the hospital.

Please find enclosed a copy of Opinion No. 4232 written to Dr. Johnson on the 12th of February, 1943, dealing with this question. This opinion does not cover the question of the delivery of a patient when paroled.

However, there is no statute covering the delivery of paroled patients so the hospital could not be liable for the transportation costs in returning them to their homes. The district judge of the county from which such person was committed might by special order provide for these transportation costs, but this would be in his discretion.

We would very much appreciate it if in making requests for opinions you refer to other requests made by your institution or opinions given to you dealing with the same subject.

Trusting that the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General