

*Requet*  
TRAINING BOARD: Construction of Section 8994, Senate Bill No. 289, passed by the 64th General Assembly, relating to commitments to the State Board of Training Schools.

June 24, 1948

FILED

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Board of Training Schools for Boys  
State of Missouri  
Jefferson City, Missouri

Attention: Mr. James C. Neagles  
Assistant Director

Gentlemen:

This will acknowledge receipt of your recent letter, enclosing a letter from Mr. Bert E. Fenenga, Superintendent of the Training Schools for Boys at Boonville, Missouri, requesting an opinion which reads:

"Will you please get a clarification from the Attorney General's Office regarding the meaning of Section 8994, of Senate Bill No. 289, lines 7, 8, 9 and 10, inclusive, which state, 'Except where a child who is convicted of a crime and sentenced for a period of time which will not expire until after his 21st birthday, all commitments to the Board shall be made for an indeterminate period of time.'

"The point which I should like to have cleared up is whether this is to be interpreted that Judges may still send offenders for a stated length of time, say up to his 21st birthday, or that sentences for juveniles are strictly indeterminate. If the latter is true, then please tell us what is meant by the phrase relating to his 21st birthday.

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"Another interpretation which might be placed on this phraseology is that these lines apply only to girls since they may be committed to an institution until the age of 21; and another interpretation might be that this phrase applies to youths who may have been committed before March 4, 1948, the date when this act went into effect.

"I should greatly appreciate an official interpretation of what the law intends."

Section 8994 (1), Senate Bill No. 289, passed by the 64th General Assembly reads:

"Any boy over the age of 12 years and under the age of 17 years and any girl over the age of 12 years and under the age of 21 years who has been convicted of a crime or who is found by the juvenile or circuit court to be in need of training school education and discipline may be committed to the state board of training schools. Except where a child who is convicted of a crime and sentenced for a period of time which will not expire until after his 21st birthday, all commitments to the Board shall be made for an indeterminate period of time."

Such boys or girls as are referred to hereinabove in Section 8994 of said Bill, for boys over 12 years and under 17 years of age, and for girls over 12 and under 21 years of age, when convicted of a crime and when found by a juvenile or circuit court to need training or discipline, may be committed to the State Board of Training Schools. That much of the law seems to be self-explanatory and needs no further construction. Now, we come to the part that is somewhat ambiguous, however, a careful analysis convinces us that only one conclusion can be reached as to the legislative intent in enacting Senate Bill No. 289, supra.

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The primary rule of construction of statutes is to ascertain the lawmaker's intent from the words used, and to give it that effect. See: Fischbach Brewing Co. vs. City of St. Louis, 95 S.W. (2d) 335, 231 Mo. App. 793. Also: State vs. Ball, 171 S.W. (2d) 787.

We believe that the legislative intent in enacting Senate Bill No. 289, supra, was that all commitments to said Board shall be made for an indeterminate period of time, except, where said boys or girls are convicted of a crime and sentenced for a period which will not expire until after his or her 21st birthday and in such case the commitment must specify the exact time for which he or she was sentenced.

Section 8996(2) Senate Bill No. 289, supra, further authorizes said Board to transfer any child under its jurisdiction to any other institution for children, public or private, if the Board deems it advisable, and further provides that said Board may, for purpose of discipline, with the Governor's approval, transfer persons committed to its custody, to a state adult correctional institution, provided that no person committed to said Board for an indeterminate period of time shall be confined in such adult correctional institution after reaching the age of 21 years. By reading Section 8996, supra, along with Section 8994, supra, we are of the opinion that the Legislature has prescribed a complete scheme for the proper training and education for such boys and girls committed to said Board.

CONCLUSION

Therefore, it is the opinion of this Department that any boy or girl committed to the State Board of Training Schools, when the boy is over the age of 12 and under 17 years of age, and the girl is over the age of 12 and under the age of 21 years, such commitments shall be for an indeterminate period of time, except in such cases where the child may be convicted of a crime and sentenced for a period which will run after his 21st birthday, and in such cases the commitment must include the specific time that he shall be committed to said Board.

Respectfully submitted,

APPROVED:

J. E. TAYLOR  
Attorney General

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