

**Montana State Industrial School—Power to Parole Inmates Where Commitment to Industrial School was Substituted for Original Penitentiary Sentence.**

The Montana State Industrial School has the power to parole boys where confinement in the Industrial School is substituted for the original commitment to the State Penitentiary, and such boys need not serve out their original penitentiary sentence.

A. C. Dorr, Esq.,  
President, Montana State Industrial School,  
Miles City, Montana.

My dear Mr. Dorr:

I have your communication regarding three boys who were committed to the State Penitentiary and thereafter commitment to the Montana State Industrial School was substituted for the commitment to the penitentiary.

You ask whether these boys should be paroled the same as other boys, or whether they will be required to serve out their original sentences.

Your question, I believe is answered by the provisions of Section 12507 of the Revised Codes of 1921, which is, in part, as follows:

“Whenever any boy or girl under the age of eighteen years has been sentenced by any court of competent jurisdiction to imprisonment in the state’s prison, it shall be law-

ful for the governor, by and with the approval of the board of pardons, upon the application of such boy, his parent or guardian, to commute the punishment by substituting therefor the commitment of such boy to the Montana state reform school, during the minority of such boy, unless sooner discharged by the board of trustees, under the regulations as herein provided."

Under this section, you will observe that the commitment to the Industrial School may be substituted for the commitment to the penitentiary, and it follows that the boys, under such circumstances should be treated as if originally committed to your institution for the term of their minority, unless sooner discharged.

It is my opinion, therefore, that they should be treated as other boys regularly committed and that they need not serve out their original sentence.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.