

State Reform School, Aiding and Assisting Inmates to Escape Therefrom.

Any person procuring or conniving at the escape of any inmate of the Reform School is guilty of a felony under Section 3095 of the Penal Code. (Sec. 9812, Revised Codes.)

Helena, Montana, August 4, 1908.

Rev. D. B. Price,
Director Montana State Reform School,
Miles City, Montana.

Dear Sir:—

I am in receipt of your letter of July 30th, 1908, requesting my opinion as to whether it is in violation of the law for a person to conceal or furnish clothing to, or in any other way aid a boy to make his escape from the reform school.

Section 3095 of the Penal Code, being Section 9812 of the Revised Codes of the State of Montana, is as follows:

“Aiding or Abetting Escapes.”—If any officer or employee of said reform school, or any other person shall contrive, procure, and connive at, or otherwise voluntarily suffer the escape of any inmate of said school, every such person on conviction shall be punished by imprisonment in the state's prison for a period of not less than six months, nor more than two years, and be fined in a sum not exceeding one thousand dollars.”

Section 3096 of the Penal Code, being Section 9813 of the Revised Codes of the State of Montana, provides the penalty which may be imposed upon conviction of any person charged with bringing into the school any tool, weapon, or other aid, with intent to enable any inmate thereof to escape. These two sections seem to be broad enough to cover the question submitted by you, and you are therefore advised that a complaint brought under Section 3095 of the Penal Code, supra,

would lie. However, the particular facts in the case should be placed before the county attorney, so that he may exercise his judgment and discretion in the filing of the complaint.

Yours very truly,

ALBERT J. GALEN,

Attorney General.