

**Drug Addicts—Expenses When Committed to County Hospital.**

The expense for maintenance of drug addicts committed to the County Hospital by the Judge of the District Court is to be borne from the funds appropriated for the expense of the Montana State Hospital when it is ordered by the court that their maintenance is to be at the expense of the State.

Board of County Commissioners,

Butte, Montana.

Gentlemen:

You have inquired whether when, by reason of lack of room no more drug addicts can be admitted to the State Hospital at Warm Springs, the District Court is committing such persons to the County Hospital of Silver Bow County, the cost of the maintenance of such persons is to be paid by the State.

Section 7 of Chapter 202 of the Laws of 1921, in providing for the commitment of drug addicts, reads in part as follows:

“And if, after said examination, said judge is satisfied that said person is addicted to the use of the drugs mentioned in this Act, in a manner contrary to the public welfare, he may commit such person to a state, county, city or other hospital or institution where facilities are provided for the treatment of drug addicts.”

Section 9 of the same Act reads as follows :

“All costs and expenses incurred in the arrest, examination, commitment and maintenance of such person shall be paid in the manner now provided for by law for the arrest, examination, commitment and maintenance of persons committed to the State Insane Asylum.”

Chapter 57 of the Laws of 1913, which creates the State Board of Commissioners for the Insane, consisting of the Governor, the Secretary of State, and the Attorney General, and defines its powers and duties, contains the following paragraph:

“(3) To provide for the care, custody, maintenance and treatment of the insane in a safe and suitable building or buildings for that purpose which is known as the State Insane Asylum.”

While this section requires the State Board of Commissioners for the Insane to provide for the maintenance of persons committed to the institution, no definite provision is made for supplying the funds with which to maintain such persons. Section 1120 of the Revised Codes of 1907 required the cost of maintenance under contract, when the former contract system prevailed under Sections 1111 to 1120, inclusive, to be paid by warrant drawn upon the general fund of the State Treasury. But these sections were directly repealed by Chapter 57 of the Laws of 1913. The latter chapter however gave the “management, control and supervision” of the State Insane Asylum to the above-named Board, and enjoined upon them as State officers the duty to make provision for maintenance of the inmates, and they are obliged to do so from any funds provided. The Legislature has at each regular session recognized this requirement of the statute as an obligation of the State, and has appropriated money to be used for this purpose by the said Board.

By the provisions of Chapter 202 of the Laws of 1921, drug addicts may be committed to the State Hospital or to the other institutions named. Section 9 provides specifically that the expenses shall be borne in the manner provided for the maintenance of persons committed to the State Insane Asylum.

There are certain other provisions relating to expenses in connection with the commitment and maintenance of Insane persons to which reference should be made. Section 1122 of the Revised Codes of 1907 provides when an insane patient is sent to an institution outside the State, the expense of sending him and supporting him shall be paid by the State. Section 1125 requires clothes and money to be furnished by the State to indigent persons when discharged. Section 1133 requires that none but indigent persons may be received into the Insane Asylum unless their care and maintenance is paid or guaranteed. Section 1143 provides for the application of funds found upon the person of an insane person to his support. Section 1147 makes it the duty of committing officers to examine into the ability of insane persons to pay for their own maintenance and to apply the property of such persons when found sufficient to their support. Section 9525 makes certain provisions for expenses of proceedings of persons charged with crime and adjudged insane. These various sections are, however, rather for the consideration of the judge prior to commitments than at this time, inasmuch as your statement is to the effect that commitments have already been made at the expense of the State in the cases submitted.

It is, therefore, my opinion that the expense for maintenance of drug addicts committed to the County Hospital by the Judge of the District Court on proper proceedings is to be borne from the funds ap-

propriated for the expense of the Montana State Hospital, when it is ordered by the court that their maintenance is to be at the expense of the State.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.