

regard of the rules of the prison, or any misdemeanor whatever forfeits all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, must only be made by the board, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the board must be the sole judges. The name of no convict who attempts to escape must be sent to the board for the commutation herein provided." It is our opinion that this section places the power to declare such forfeiture exclusively in the board.

**Opinion No. 317**

**State Prison—Warden, Powers of—  
Prisoners, Good Behavior Allow-  
ance—Prison Commissioners,  
State Board of.**

**HELD:** The warden of the State Prison may not declare a prisoner's good behavior allowance forfeited without referring the matter to the State Board of Prison Commissioners.

August 22, 1933.

You request our opinion whether or not the Warden may declare a prisoner's good behavior allowance forfeited without referring the matter to the Board of Prison Commissioners.

Section 12457, R. C. M. 1921, provides as follows: "Any such convict who commits an assault upon his keeper, any guard, officer, or convict, or otherwise endangers life, or by any flagrant dis-