

CONVICTS NOT AUTOMATICALLY
RESTORED TO CITIZENSHIP

) Persons released from penitentiary
) on the seven-twelfths rule are not
) automatically restored to citizen-
) ship at the expiration of two years
) from the date of discharge.



September 4, 1952

9-4-52

Hon. Donald W. Bunker
Executive Secretary
Board of Probation and Parole
Jefferson City, Missouri

Dear Mr. Bunker:

Your letter of March 28, 1952, asking this office for an official opinion is quite lengthy and for that reason we are only quoting a part thereof. The part of your letter which presents the question to be answered reads as follows:

"James Harvey Hamblin was discharged from the Penitentiary under Conditional Commutation by Governor Park on October 1, 1934. This was in accordance with the 7/12ths Executive Rule in force at that time and affecting the release of inmates from the State Penitentiary. The subject's 3/4ths time was December 15, 1935.

"The question is whether the civil disabilities incurred by this conviction ceased at the end of two years from the discharge under Conditional Commutation."

The remaining part of your letter, without quoting same, has to do with the removal of one's civil disabilities where he has been discharged or released from the penitentiary under the old seven-twelfths executive rule, the same as though released under the nine-twelfths law.

Section 217.370, RSMo, 1949, being the three-fourths or nine-twelfths law provides that, any convict confined in the penitentiary or the intermediate reformatory, who shall serve three-fourths of the time, for which he or she may have been sentenced, in an orderly and peaceable manner, without having

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any infractions of the rules of the institution or laws of the same recorded against them, shall be discharged in the same manner as if such convict had served the full time of their sentence. You will note from the language, which is not the statute verbatim, it says that whoever serves three-fourths of the time in the penitentiary shall receive this consideration. The statute goes on to say that at the end of two years after a person has been discharged from the above mentioned institutions if it is his first felony offense, shall be restored to all rights of citizenship provided that they have not been indicted or informed against during the time of their incarceration.

In order to receive the benefits of this law it is necessary that the convict, in order to be restored to all rights of citizenship, be discharged in accordance therewith. Therefore, one who was released on conditional commutation under what was called the old seven-twelfths rule would not have complied with requirements of the three-fourths rule of having served three-fourths of their sentence in the penitentiary or intermediate reformatory and unless the statute is complied with the benefits thereof could not be extended to convicts who have been released through other measures.

It is therefore obvious that Section 217.370, supra, of the Revised Statutes of Missouri, 1949, would not apply with equal force to inmates who have been released from imprisonment on the old seven-twelfths Executive Rule, by the Governor's conditional commutation of sentence.

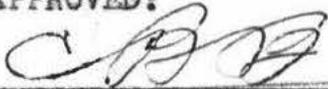
CONCLUSION

Therefore, it is the opinion of this department that convicts who have not complied with the requirements of Section 217.370, RSMo, 1949, would not automatically be restored to all the rights of citizenship.

Respectfully submitted,

JULIAN L. O'MALLEY
Assistant Attorney General

APPROVED:


J. E. TAYLOR
Attorney General

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