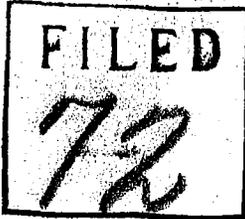


CRIMINAL SEXUAL PSYCHOPATHS:
STATE HOSPITALS:
MAGISTRATE COURTS:
JURISDICTION OF MAGISTRATE
COURTS:

Magistrate courts have jurisdiction to proceed against one properly charged before such court with the commission of a crime under the Criminal Sexual Psychopath Act, and to commit such person to the State Hospital at Fulton, Missouri pursuant to said Act.



December 27, 1954

Mr. R. P. Price, M. D.
Acting Superintendent
State Hospital No. 1
Fulton, Missouri

Dear Mr. Price:

This will acknowledge receipt of your letter of December 10, 1954, wherein you request an opinion of this office on the following question:

"We would appreciate an opinion from your office on the following matter: if an individual is charged in the Magistrate Court, (Boone County) as being a criminal sexual psychopath, by that court, can he be properly committed by that court to this hospital."

Section 202.710 RSMo 1949 provides that "when any person is charged with a criminal offense" and certain things appear to the prosecuting attorney, certain procedures shall be followed under the Criminal Sexual Psychopath Act. Thus it appears that in any court in which a person is charged with a criminal offense, the provisions of the Criminal Sexual Psychopath Act may become applicable and the court before which such person is charged shall have jurisdiction to proceed under said Act.

By Section 556.010 RSMo 1949, the term "criminal offense" is defined to embrace both misdemeanors and felonies. Likewise, in the case of *Myles v. St. Louis Public Service Company*, 52 SW2d 595, the St. Louis Court of Appeals held that the term "criminal offense" applies to misdemeanors as well as to felonies.

By Section 543.010 RSMo 1949, magistrate courts (with exceptions not applicable here) have concurrent original jurisdiction, co-extensive with the boundaries of their counties, with the circuit court in all cases of misdemeanors.

Mr. R. P. Price, M. D.

Therefore, if one were charged with a misdemeanor, the magistrate court in Boone County would have jurisdiction of the subject-matter and such charge of misdemeanor would constitute a "criminal offense" as that term is used in Section 202.710 RSMo 1949, and the magistrate court would be authorized under such section and the other sections comprising the Criminal Sexual Psychopath Act to proceed under said Act, and in a proper case to commit the person charged to State Hospital No. 1 at Fulton, Missouri, under the provisions of said Criminal Sexual Psychopath Act.

CONCLUSION

It is, therefore, the conclusion of this office that the Magistrate Court of Boone County, Missouri has jurisdiction to, and may commit, a person charged before it with the commission of a misdemeanor to State Hospital No. 1 at Fulton, Missouri, under the Criminal Sexual Psychopath Act.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Fred L. Howard.

Very truly yours,

John M. Dalton
Attorney General

FLH:sm