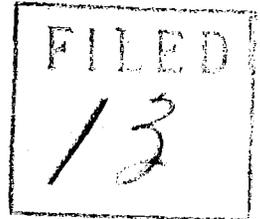


ORDER OF PAROLE: Order of Parole form meets requirements of
Section 8992.39, Laws 1945, p. _____, S.C.S.S.B.
No. 347, Sec. 39.

February 5, 1947



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

Dear Sir:

Your letter of recent date, requesting an opinion of this department, reads as follows:

"The Board of Probation and Parole proposes to use the enclosed 'Order of Parole' form for the release on parole of inmates now confined in the State Penitentiary and the Intermediate Reformatory.

"In addition to the Order of Parole, a small booklet of instructions will be handed to the inmate at the time he is released on parole. A copy of those instructions is also enclosed, and it is understood that the instructions are not a part of the Order of Parole.

"The Board should appreciate your opinion as to the legality of the proposed Order of Parole form."

The Order of Parole form enclosed with your letter, reads as follows:

"ORDER OF PAROLE
STATE OF MISSOURI

"BOARD OF PROBATION AND PAROLE

" _____, now confined in the
_____ who was convicted and

sentenced in the county of _____
 on the ___ day of _____, 19___, and
 received at the _____
 on the ___ day of _____, 19___, for
 a term of _____ years, for the crime
 of _____
 which sentence expires on the ___ day of
 _____, 19___, is hereby released
 on parole, which may be revoked without
 notice, by the Board of Probation and
 Parole, by virtue of the authority con-
 ferred by law upon said Board of Probation
 and Parole.

"It is therefore ordered that _____
 be released on the ___ day of _____,
 19___, upon the following conditions:

"That the above mentioned recipient shall
 remain in the legal custody of the Missouri
 State _____, but shall be amen-
 able to the orders of the Board of Probation
 and Parole until the expiration of the maxi-
 mum term, or until returned to the Missouri
 State _____ by order of the
 Board of Probation and Parole.

BY THE BOARD:

 Chairman

 Member

 Member"

Section 8992.39, Laws 1945, p. _____, S.C.S.S.B. No. 347,
 Sec. 39, reads as follows:

"The board of probation and parole is hereby
 authorized to release on parole any person
 confined in any state correctional institu-
 tion, except persons under sentence of death.
 All paroles shall issue upon order of the
 board and shall be recorded. Inmates shall

be considered for parole upon the application of the prisoner or upon the initiative of the board. The board shall secure and consider all pertinent information regarding each inmate, except those under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment, attitude in the correctional institution, and reports of physical and mental examinations which have been made. Before ordering the parole of any inmate, the board shall have the inmate appear before it and shall interview him. A parole shall be ordered only for the best interest of society. A parole shall be considered a correctional treatment for any inmate and not an award of clemency. A parole shall not be considered to be a reduction of a sentence or a pardon. An inmate shall generally be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care and when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every inmate while on parole shall remain in the legal custody of the institution from which he was released, but shall be amenable to the orders of the board of probation and parole. Said board shall have the power and it shall be its duty when conditions so warrant to revoke or terminate any parole, and place the offender again in the custody of the proper correctional institution. Said board may adopt such additional rules not inconsistent with the law as it may deem proper and necessary with respect to the eligibility of inmates for parole, the conduct of parole hearings, and conditions upon which inmates may be placed on parole. Each order for a parole issued shall contain the conditions thereof. All decisions of the board shall be by a majority vote."

(Emphasis ours.)

This section provides what the board shall consider in determining the parole of an inmate. In considering the Order of Parole form as submitted with your request, we do not find anything in it

Mr. Donald Bunker

(4)

that would be inconsistent with the above statute.

CONCLUSION

Therefore, it is the opinion of this department that the Order of Parole of the State of Missouri, prepared by the Board of Probation and Parole, conforms to the requirements of Section 8992.39, Laws 1945, p. _____, S.C.S.S.B. No. 347, Sec. 39.

Respectfully submitted,

GORDON P. WEIR
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

GPW:CP