

February 9, 1938.

Mr. A. J. Barnes, Warden  
State Prison,  
Florence, Arizona.

Dear Sir:

With reference to a letter addressed to you from the Iowa State Penitentiary under date of January 19, 1938, regarding exchange of cotton raised at your institution for goods of equal value, which goods are manufactured at the Iowa State Penitentiary by convict labor. In pursuance to your request for an opinion as to whether this can legally be accomplished in view of Chapter 103, of the Laws of 1933, please be advised that Section 1, Chapter 103, Laws of 1935, provides as follows:

" Goods not to be sold in open market. No goods, wares or merchandise manufactured, produced or prepared wholly or in part by convicts or convict labor, except convicts or prisoners on parole or probation, shall be sold or exchanged on the open market within the state of Arizona."

And Section 2, Chapter 103, Laws of 1933 provides as follows:

"Provisions apply to goods from other states. The sale of goods, wares or merchandise prohibited by sec. 1 (Par. 5333a) of this act shall extend to and apply to all goods, wares or merchandise prepared, produced or manufactured wholly or in part by convicts or prisoners of other states and the same shall be subject to the operation and effect of the laws of this state upon arrival and delivery within the state of Arizona to the same extent and in the same manner as though such goods, wares and merchandise had been manufactured, produced or mined within the state of Arizona, and shall not be exempt by reason of being introduced in the original package or otherwise."

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We are of the opinion that the above quoted sections absolutely prohibit you from importing convict made goods in exchange for the value of cotton raised at your institution.

We are of the further opinion that Section 4, Chapter 103, Laws of 1933, which provides as follows:

" Provisions not apply to public institutions. Sale upon the open market as outlined in secs. 1 and 2 (Paragraphs 5333a and 5333b) of this act shall not include sales or exchanges between any penal or charitable institutions maintained wholly by the state of Arizona or its political subdivisions for use in any of such institutions or by the wards thereof."

does not except sales and exchanges made with penal institutions outside the State of Arizona, but that said section simply intends to except the exchange or sale of goods, wares or merchandise with institutions maintained wholly by the State of Arizona, such as the Insane Asylum, Fort Grant School, etc.

Respectfully,

JOE CONWAY,  
Attorney General.

ALBERT M. GARCIA,  
Assistant Attorney General.

EARL ANDERSON,  
Special Assistant  
Attorney General.