

June 24, 1938.

Dr. B. M. Berger, Superintendent,  
Arizona State Hospital  
Phoenix, Arizona.

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Dear Dr. Berger:

We have your letter of June 22nd in reference to May W. Dillon, wherein you advise us that Miss Dillon was committed to your institution on November 24th, 1923, and that she had only resided in the State of Arizona for a period of two weeks prior to her commitment to the institution; that since then she was released in the custody of her sister and taken to the State of California and later placed in a California Mental Hospital. You also advise us that the California authorities insist that she be returned to your institution for care.

Section 2932, R.C.A.1928, provides in part as follows:

"To facilitate the return of non-resident public charges confined in the state hospital, or in the state industrial schools, the board may enter into reciprocal agreement or arrangements with officers of other states for the mutual exchange of such public charges, and in pursuance thereof the board may give written consent and approval of the return to the state of any resident of this state confined in a public institution of another state, corresponding to hospitals or asylums for the insane, or of a state institution for the reformation of delinquent minors. A person shall not be deemed to be a resident of this state, within the meaning thereof, unless he has resided continuously in the state for one year next preceding his commitment to any of the institutions named herein. The expenses incurred in returning aliens and non-resident public charges shall be paid by the state, but the expense of returning residents hereof to this state shall not be borne and paid by this state."

You will note that the section above quoted provides that if a person has not resided within the State of Arizona for one year next preceding the commitment to your institution they are

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not considered a resident of this state and inasmuch as Miss Dillon had not resided in the State of Arizona for the required time she could not be considered a charge of this State, and you would not be authorized under the law to receive her into your institution as a charge. She could not gain a residence in this State by her confinement in the State institution.

Yours very truly,

JOE CONWAY  
Attorney General

EARL ANDERSON  
Special Assistant  
Attorney General

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