

January 9, 1943

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Hon. Willard B. Fleming
County Attorney
Coconino County
Flagstaff, Arizona.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Fleming:

Receipt is acknowledged of your letter of December 28, 1942, in which you refer to the matter of the commitment by the Superior Court of Coconino County of one Nancy Alice Daniel to the Arizona State Hospital. You state that Dr. Howes informed you that she was paroled from the Eastern Oklahoma Hospital on June 20, 1942, and that, therefore, she is not a resident of Arizona, and not eligible for commitment to the Arizona State Hospital.

You inquire as to whether a person must be a resident of Arizona for any specific length of time before being eligible for commitment to the Arizona State Hospital.

Your attention is respectfully invited to Section 8-114, A.C.A. 1939, with particular attention to the penultimate sentence thereof which reads:

"A person shall not be deemed to be a resident of the State, within the meaning hereof, unless he has resided continuously in the State for one (1) year next preceding his commitment to any of the institutions named herein."

Looking at the context of the remainder of the section, which permits the Board of State Institutions to enter into reciprocal agreements with officers of other states for the mutual exchange of such public charges, etc. it would appear that if such agreement exists between the States of Arizona and Oklahoma, the State of Arizona could invoke the same and cause the return to Oklahoma of the patient referred to.

Very truly yours,

JOE CONWAY
Attorney General

EARL ANDERSON
Chief Assistant
Attorney General

C.A. EDWARDS
Assistant Attorney General

cc--Dr. Seth F.H. Howes