

April 22, 1948

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

Mr. Jack A. Wilson  
Superintendent  
Arizona State Industrial School  
Fort Grant, Arizona

Dear Sir:

This is in answer to your request of March 31, 1948, for an opinion interpreting the juvenile code as adopted in 1941, and amended in 1945, as relating to the age of offenders who may be committed to your institution, and specifically as to whether or not you are required to accept those who are over eighteen years of age.

The act defines a "child" as being a person under the age of eighteen years. Section 46-117, A.C.A. 1939, amended.

The act creates a juvenile court and provides that it shall have original jurisdiction over any "child" who is accused of crime under the age of eighteen years. Section 46-117, A.C.A. 1939, amended, and Section 46-118, A.C.A. 1939, amended.

The law also provides that only the juvenile court may commit a "child" to the State Industrial School. Section 46-125, (b) 8, A.C.A. 1939, amended.

There is, however, a provision in the law that once a juvenile court obtains jurisdiction of a "child" it retains jurisdiction of that "child" during the child's minority, or until the child is twenty-one years of age unless the child is sooner discharged. Section 46-132 (a) A.C.A. 1939, amended.

It will be readily seen that under the provisions of this section a juvenile offender who has come under the jurisdiction of the juvenile court while less than eighteen years of age might be committed to your institution until such time as he reaches the age of twenty-one years; or such offender might be re-committed after he became eighteen years of age, and before twenty-one years, to serve until he became twenty-one years of age, the court retaining jurisdiction although the "child" be over eighteen years of age.

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Thus it would appear that only those persons who were first offenders prior to the time they were eighteen years of age could remain in your institution or could be re-committed to your institution after they became eighteen years of age and before they reach the age of twenty-one years.

No court other than the juvenile court has the right to commit to your institution, and that court's commitments must be within the provisions of the law creating that court. Section 46-133 (b) A.C.A. 1939, amended.

Very truly yours,

EVO De CONCINI  
Attorney General

FRED O. WILSON  
Assistant Attorney General

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