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ARIZONA ATTORNEY GENERAL

August 22, 1949

*W. L. ...*  
Fred J. Fritz, Chairman  
Special Legislative Committee  
on State Operations  
Capitol Building  
Phoenix, Arizona

Dear Senator Fritz:

We have your request for our opinion as follows:

"This committee desires an opinion from your office regarding the use of prison labor at other institutions; whether such labor can be used for the construction of new buildings, for repair work or dismantling."

The authority to provide for the use of convict labor seems to rest almost entirely with the Legislature. One text uses this language:

"So, subject to constitutional restrictions, the legislature may authorize the employment of convicts on the highways or public works, or in or about the prison or penitentiary \* \* \*"

The implication seems clear that positive action must be taken by the Legislature if persons are to be worked outside the prison.

This is borne out by the present statutes which provide: for work on the prison farm, Section 47-123; for work on highways, Section 47-125; for manufacturing license plates and similar articles, Section 47-130.

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The further fact that County Sheriffs are specifically authorized to use county prisoners on "the public streets, highways or other works" adds strength to the general impression that prisoners may be used only on such works as may be authorized by the legislature, Section 47-212.

It is therefore our opinion that some general statute would be necessary in order that prison labor may be used at other institutions for construction of new buildings or for repair work or dismantling.

Very respectfully yours,

FRED O. WILSON  
Attorney General

PERRY M. LING  
Chief Assistant  
Attorney General

PML/bf