

**OPINION**  
**47-163**

November 8, 1947 (OPINION)

INSANE

RE: Prisoner Patients - Expense Paid by County

This office received your letter today asking for our opinion on a question submitted by Dr. Fisher, superintendent of the Jamestown hospital.

According to Dr. Fisher's letter, there are several patients at the Jamestown hospital who have been sent there from the penitentiary at Bismarck. During their stay at the Jamestown hospital, their sentences have expired but they are still at the hospital.

The question presented is: first, should these patients be brought before an insanity board and if found to be insane be recommitted to the hospital, and second, if such action is to be taken, how are the expenses to be paid?

I would suggest that if it is practicable, these patients should be taken to the counties of which they are residents, and there be taken before the insanity board. If this is not practicable, then they should be taken before the insanity board of Stutsman County and the expense of such commission should be borne by the counties of the residence of such patients.

If the legal residence of such patients cannot be determined, then it would be an expense of the state and payable out of any fund under the control of the board of administration available for such purpose.

NELS G. JOHNSON

Attorney General