

1563.

AID GIVEN DEPENDENTS OF PRISONERS—SECTION 13019 AND 13020  
G. C. CONSTRUED.

COLUMBUS, OHIO, June 6, 1924.

**SYLLABUS:**

*A credit of forty cents per day to persons confined in the Ohio Penitentiary or the Ohio Reformatory, is specifically limited by the provisions of sections 13019 and 13020 G. C. to those persons sentenced and confined therein for offenses committed against minors or a pregnant woman.*

HON. OREL J. MYERS, *Prosecuting Attorney, Greenville, Ohio.*

Dear Sir:—

This will acknowledge receipt of your letter requesting my opinion as follows:

“I am interested to know whether or not under provision of sections 13019 and 13020 of the General Code of Ohio, or under any other provision of the law of Ohio,—it is possible for a mother to receive support for her minor children during the time of the husband's and father's confinement in the Penitentiary or Reformatory for any crime other than non-support.

I have in this county now, several persons serving time both in the Ohio State Penitentiary and in the Mansfield Reformatory, for grand larceny, incest and other similar crimes, whose family need their forty cents per day if such can possibly be paid under the law.”

The provisions of the above mentioned sections providing for the payment of forty cents per day are as follows:

Section 13019. *Persons confined in penitentiary shall be credited with 40c per day.*—“The board of managers of the penitentiary, or reformatory, to which a person is sentenced and confined under this subdivision of this chapter, shall credit such person with 40 cents per day for each working day during the period of such confinement, which shall be paid, or caused to be paid, by such board to such trustee.”

Section 13020. *Trustee to be named in mittimus.*—“When a person is imprisoned in a workhouse, penitentiary or reformatory under this subdivision of this chapter, the name and postoffice address of the trustee so appointed by the court shall appear in the mittimus.”

The provisions of the above mentioned sections expressly limit the payment to a “person sentenced and confined under this subdivision of this chapter,” which is limited to offenses committed against minors or a pregnant woman.

In addition to the sections you mention, we respectfully call your attention to section 13018 G. C., which provides as follows:

“When a person is convicted, sentenced and fined, under any provision of this subdivision of this chapter, in a workhouse, the county from which he is so convicted, sentenced and confined upon the warrant of the county auditor of such county, and out of the general revenue fund thereof, shall pay monthly fifty cents for each day he is so confined, to the trustee appointed by the court under any of such provisions, to be expended by such

trustee for the maintenance of the child or children under sixteen years of age, of such person as provided in such provisions. This act shall take effect in the manner provided in section 1c of article II of the constitution of the State of Ohio, except that the amendments of section 1652 and 2084 shall not take effect until the first day of July, 1914."

In addition to the foregoing, we also call your attention to the provisions of section 1683-2 G. C. as amended in 109 O. L., page 70 as follows:

"For the support of women whose husbands are dead, or become permanently disabled by reason of physical or mental infirmity, or whose husbands are prisoners or whose husbands have deserted, and such desertion has continued for a period of three years, when such women are poor, and are the mothers of children not entitled to receive age and schooling certificate, and such mothers and children have a legal residence in any county of the state for two years, the juvenile court may make an allowance to each of such women as follows: not to exceed thirty-five dollars a month when she has but one child not entitled to an age and schooling certificate, and if she has more than one child not entitled to an age and schooling certificate, it shall not exceed thirty-five dollars a month for the first child and ten dollars a month for each of the other children not entitled to an age and schooling certificate. The order making such allowance shall not be effective for a longer period than six months, but upon the expiration of such period, said court may, from time to time, extend such allowance for a period of six months or less. Such homes shall be visited from time to time by a probation officer, the agent of an associated charities organization, or of a humane society as the court may direct, or in the absence of such probation officer, society or organization in any county, the sheriff of said county shall make such visits as directed by the probate court; provided that the person, other than the sheriff, who actually makes such visits, shall be thoroughly trained in charitable relief work, and the report or reports of such visiting agent shall be considered by the court in making such order for relief."

These sections afford a method of relief to the dependents of prisoners generally but are not affected by and are independent of the forty cents per day provision commonly known as the non-support statutes.

On a careful consideration of your inquiry it is believed that the forty cents per day payment about which you inquire is specifically limited to persons confined in the Ohio Penitentiary or Ohio Reformatory for offenses committed against minors or a pregnant woman as provided in sections 13008 and 13021 G. C. inclusive.

It is also believed that the other sections mentioned contain the only other provisions under the law of Ohio for giving specific aid or assistance to the dependents of prisoners.

Respectfully,  
C. C. CRABBE,  
*Attorney-General.*