

2341.

APPROVAL, BONDS OF VILLAGE OF GARFIELD HEIGHTS, CUYAHOGA COUNTY, \$14,000.00.

COLUMBUS, OHIO, April 3, 1925.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2342.

RELEASE OF INDIGENT PRISONERS—COUNTY COMMISSIONERS MAY RELEASE PRISONERS AS PROVIDED BY SECTION 12382 G. C.

SYLLABUS:

Under section 12382, General Code, the county commissioners may release prisoners, as provided therein, even though such indigent prisoners are confined for fine and costs imposed for violation of the Crabbe Act, so-called.

COLUMBUS, OHIO, April 4, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—In your letter of March 25, 1925, you request my opinion as follows:

“May the county commissioners, under the provisions of section 12382, General Code, release on parole an indigent person confined in the jail of such county for fine and costs alone, in the event that such person has been committed to the jail under the so-called Crabbe Act?”

Section 12382, General Code, reads:

“The county commissioners of a county not having a workhouse may release on parole an indigent prisoner confined in the jail of such county for fine and costs alone. The parole in such case shall be in writing, signed by the prisoner so released, and conditioned for the payment of the fine and costs by him in labor or money in installments or otherwise, and shall be approved by the prosecuting attorney of such county.”

Doubt in regard to this section arose because of the amendment to section 6212-17, General Code, which is in the following words:

“No fine or part thereof imposed hereunder shall be *remitted* nor shall any sentence imposed hereunder be suspended in whole or in part thereof.”

and further doubt was caused by the holding in the case of *State, ex rel. Freda West vs. Boyer, Supt.*, in the Court of Common Pleas of Stark County, Ohio, in which AGLER, J., said: