

Opinion No. 69-30

April 16, 1969

BY: OPINION OF JAMES A. MALONEY, Attorney General Ray Shollenbarger,
Assistant Attorney General

TO: Mr. Morris D. Stagner, District Attorney, Ninth Judicial District, County Court House,
Clovis, New Mexico 88101

QUESTIONS

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Who is responsible for the payment of expenses incurred in the returning of probation violators to the Court?

CONCLUSION

The state board of probation and parole.

OPINION

{*44} ANALYSIS

Section 41-17-28.1, N.M.S.A., 1953 Comp. deals with the return of probation violators, part D of that section provides:

"The board shall budget funds to cover expenses of returning probationers to the court. The sheriff of the county in which the probationer was convicted is the court's agent in the transportation of the probationer but the director, with the consent of the court, may utilize other state agencies for this purpose when it is in the best interest of the state."

The "board" is defined in Section 41-17-14, N.M.S.A., 1953 Compilation, as the state board of probation and parole. Therefore, it is our opinion that the board must pay the expenses.