

Such censorship is obviously necessary to prevent the bringing in of contraband and the planning of an escape involving the inmate or patient.

Second, you further desire to be advised whether the chief executive officer of a State correctional or charitable institution has the legal right to exclude undesirable persons from the grounds of the institution.

The Board of Managers of your institution has the right to exclude undesirable persons from the institution grounds where it appears that such persons endeavor to excite and arouse your patients and to create distrust and lack of confidence in the institution staff.

The Legislature, in R. S. 30:4-4, charged the Board of Managers with management, direction and control of the institution and stated that it would be responsible to the State Board of Control of Institutions and Agencies for the efficient, economical and scientific operation of the institution. It is, therefore, within the legal authority of your Board to promulgate rules and regulations designed to exclude undesirable persons from the institution grounds.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General,*

By: EUGENE T. URBANIAK,  
*Deputy Attorney General.*

---

MARCH 16, 1949.

HONORABLE SANFORD BATES, *Commissioner,*  
*Department of Institutions and Agencies,*  
State Office Building,  
Trenton, New Jersey.

FORMAL OPINION—1949. No. 9.

DEAR COMMISSIONER BATES:

You advise that a prisoner was committed to the New Jersey State Prison at Trenton on January 7, 1949, for the offense of carnal abuse, to serve a term of from two to three years. It seems further that there was a notation on the order of commitment that "Immigration authorities may take him at any time for deportation."

You further advise that the United States Immigration Officer was in your institution the other day and appears agreeable to arrange for the deportation of this subject.

You now desire to be advised whether the court in committing this prisoner can include a condition in the commitment that he may be turned over to the Immigration Authorities at any time for deportation. This, of course, would have the effect of terminating the sentence when the Immigration Authorities decided that they would accept him for deportation.

I am of the opinion that the condition attached to the commitment has no validity in the law, is, therefore, inoperative, and the prisoner is required to serve the sentence imposed upon him less any commutation time that he may be entitled to receive for good behavior or work performed. I find nothing in the statutes of this

State relating to sentences and imprisonment which empowers the court to sentence conditionally, the effect of which is to terminate the sentence upon the happening of a contingency.

R. S. 2:192-4 provides that all sentences to the State Prison shall be for a maximum and minimum term except sentences for life. R. S. 2:190-15 permits the court, within 30 days after imposition of sentence, to open and vacate the judgment and resentence as right and justice may require. R. S. 2:190-16 permits the court on its own motion, within six months from date of conviction, to open and vacate the conviction, discharge the defendant from custody and grant him a new trial.

The law provides for no other controls by the court upon its sentence after same is imposed upon the prisoner.

There appears to be no warrant in the law for the inclusion of the condition in the commitment you speak of and you should, therefore, disregard it and consider the prisoner as having been sentenced for a minimum of two years and a maximum of three years.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General,*

By: EUGENE T. URBANIAK,  
*Deputy Attorney General.*

MARCH 17, 1949.

HONORABLE SANFORD BATES, *Commissioner,*  
*Department Institutions and Agencies*  
State Office Building,  
Trenton, New Jersey.

FORMAL OPINION—1949. No. 10.

MY DEAR COMMISSIONER:

You advise that in connection with the administration of the work of the State Board of Child Welfare, an agency under the jurisdiction of your department, attention must be given to the matter of requiring legally responsible and financially able persons to support their children. In connection with this matter you have had several situations wherein you are required to proceed against a stepfather to require support of him for one or more stepchildren.

You desire to be advised whether, under our law, a stepfather can be required to contribute to the support of a stepchild.

In my opinion, there is no provision in the law of this State which will permit a court to require a stepfather to contribute financially or otherwise to the support of a stepchild.

Advisory Master Van Winkle in the case of *Schneider vs. Schneider*, 25 N. J. Misc. 180, dealt with this matter rather thoroughly in a matrimonial case wherein this question was not directly in issue but where it had a significant bearing on the eventual decision of the court.