



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 82- 5

Michael G. Moroney
Counsel to the Sheriff of
Wyandotte County
816 North 9th Street
Kansas City, Kansas 66117

Re: Crimes and Punishments -- Identification and
Detection of Criminals -- Duty of University of
Kansas to Assist Law Enforcement Officers and
Coroners

Synopsis: The provisions of K.S.A. 1980 Supp. 21-2502 do not
require the University of Kansas Medical Center to
provide free medical service to prisoners in a
county jail. Cited herein: K.S.A. 1980 Supp.
21-2502.

* * *

Dear Mr. Moroney:

You have requested our opinion whether K.S.A. 1980 Supp.
21-2502 imposes a duty upon the University of Kansas Medical
Center to provide free medical service for prisoners held in
the county jail. K.S.A. 1980 Supp. 21-2502 provides:

"It shall be the duty of the university of
Kansas, the secretary of health and environ-
ment, and all other state departments and in-
stitutions, free of charge or reward, to coop-
erate with the law-enforcement officers of the
state, and with the coroners, and to render to
them such service and assistance relative to
microanalysis, handwriting, toxicology, chem-
istry, photography, medicine, ballistics and
all other sciences and matters relating to or
that would aid in controlling crime, disease
and the detection, apprehension, identifica-
tion and prosecution of criminals." (Empha-
sis added.)

Since we find no explicit duty imposed on the University of Kansas Medical Center by the above-quoted statute to provide free medical care for prisoners held in the county jail, we assume that your inquiry is suggesting that the language we have emphasized in quoting this statute can be read as implicitly imposing such duty. In our judgment, however, the statute is not susceptible of such construction. To do so would contravene well-established rules of statutory construction.

Initially, we note the cardinal rule of statutory construction, as stated in Southeast Kansas Landowners Ass'n v. Kansas Turnpike Auth., 224 Kan. 357 (1978):

"The fundamental rule of statutory construction, to which all others are subordinate, is that the purpose and intent of the legislature governs when that intent can be ascertained from the statutes. Eason v. Farmers Insurance Co., 221 Kan. 415, Syl. 2, 560 P.2d 117 (1977); Thomas County Taxpayers Ass'n v. Finney, 223 Kan. 434, 573 P.2d 1073 (1978); Brinkmeyer v. City of Wichita, 223 Kan. 393, 573 P.2d 1044 (1978)." 224 Kan. at 367.

The Court also has provided guidance in ascertaining the legislature's intent, and we believe the following statement of the Court to be of relevance here:

"A primary rule for the construction of a statute is to find the legislative intent from its language, and where the language used is plain and unambiguous and also appropriate to the obvious purpose the court should follow the intent as expressed by the words used and is not warranted in looking beyond them in search of some other legislative purpose or extending the meaning beyond the plain terms of the Act. (Alter v. Johnson, 127 Kan. 443, 272 Pac. 474; Hand v. Board of Education, 198 Kan. 460, 426 P.2d 124; City of Overland Park v. Nikias, 209 Kan. 643, 498 P.2d 56; Hunter v. Haun, 210 Kan. 11, 499 P.2d 1087.)" City of Kiowa v. Central Telephone & Utilities Corporation, 213 Kan. 169, 176 (1973).

In this instance, to construe the pertinent provisions of 21-2502 as requiring the K.U. Medical Center to provide free medical care to prisoners in the county jail would necessitate the determination of legislative intent from an isolated portion of the statute. However, "[i]n order to ascertain the legislative intent, courts are not permitted to consider

only a certain isolated part or parts of an act but are required to consider and construe together all parts thereof in pari materia." Brown v. Keill, 224 Kan. 195, 200 (1978).

In our judgment, when 21-2502 is considered in its entirety, it is clear that the legislature did not intend that the K.U. Medical Center provide free medical care to prisoners in a county jail. Rather, it is apparent that the legislature has charged the University of Kansas generally with the duty "to cooperate" with law enforcement officers and coroners and "to render to them" certain services and assistance. Thus, the duties imposed by this statute on the Medical Center, as part of the University of Kansas, are owed to law enforcement officers and coroners -- not to some unspecified third parties, such as county jail inmates.

Furthermore, when all the enumerated areas in which the University is to be of service or assistance are construed together, it is abundantly clear that the legislature intends that the University be of service and assistance with respect to the various scientific disciplines and techniques which pertain to the prevention, detection and control of crime and disease. Medicine is but one of the enumerated forensic sciences having pertinence to this overall objective.

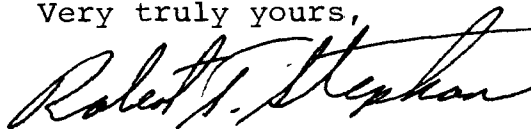
We believe our interpretation of 21-2502 is consonant with the rules of construction previously noted. Since the language of 21-2502 is plain and unambiguous and is appropriate to an obvious legislative purpose, we would not be warranted in imposing an interpretation on the statute's provisions so as to extend their scope beyond that derived from an understanding of the words in their plain and ordinary sense. Moreover, even if the words we emphasized in quoting the statute above could be read literally as suggesting that the K.U. Medical Center is to provide free medical care to inmates of a county jail, such interpretation would not be appropriate. As the Court enunciated in Brown v. Keill, supra:

"When the interpretation of some one section of an act according to the exact and literal import of its words would contravene the manifest purpose of the legislature, the entire act should be construed according to its spirit and reason, disregarding so far as may be necessary the literal import of words or phrases which conflict with the manifest purpose of the legislature. (Kansas Commission on Civil Rights v. Howard, 218 Kan. 248, Syl. ¶2, 544 P.2d 791 [1975].)"

Michael G. Moroney
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In conclusion, therefore, it is our opinion that the provisions of K.S.A. 1980 Supp. 21-2502 do not require the University of Kansas Medical Center to provide free medical care to prisoners in a county jail.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



W. Robert Alderson
First Deputy Attorney General

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