

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Habitual criminal—punishment. Whoever has been twice convicted of crime, sentenced and committed to prison, in this or any other state, or by the United States, or once in this state and once at least in any other state, or by the United States, for terms of not less than three years each, shall, upon conviction of a felony committed in this state after the taking effect of this act, be deemed to be an habitual criminal, and shall be punished by imprisonment in the penitentiary for a term of not less than twenty-five years, provided that no greater punishment is otherwise provided by statute, in which case the law creating the greater punishment shall govern, and further provided, that if the person so convicted shall show, to the satisfaction of the court before whom such conviction was had, that he was released from imprisonment, upon either of said sentences, upon a pardon granted for the reason that he was innocent, such conviction and sentence shall not be considered as such under this act.

SEC. 2. Competent and prima facie evidence. On the trial of any cause, under the provisions of this act, a duly authenticated copy of the former judgment and commitment, from any court in which such judgment and commitment was had, for either of the said crimes formerly committed by the party indicted under this act, shall be competent and prima facie evidence of such former judgment and commitment, and may be used in evidence upon the trial of said cause.

Approved April 9, 1902.

CHAPTER 153.

BAIL AFTER CONVICTION OF CERTAIN CRIMES.

H. F. 401.

AN ACT to amend section five thousand and ninety-six (5096) of the code, relating to bail after conviction of certain crimes.

Be it enacted by the General Assembly of the State of Iowa:

[SECTION 1.] **Murder in the first degree or treason.** That section five thousand and ninety-six (5096) of the code be, and the same is hereby amended, by striking out of the fourth and fifth lines thereof, the words "No defendant convicted of murder, or charged with treason shall be admitted to bail.", and by inserting in lieu thereof the following: "No defendant convicted of murder in the first degree, or of the crime of treason shall be admitted to bail."

Approved April 11, 1902.

CHAPTER 154.

THE PROCURING OF EVIDENCE FOR THE IDENTIFICATION OF CRIMINALS.

H. F. 276.

AN ACT to protect sheriffs and other peace officers in procuring evidence for the identification of criminals, or persons accused of crime. [Additional to chapter thirty-four (34), of title twenty-five (XXV) of the code, relating to evidence and witnesses.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Photograph—measurements. It shall be lawful for the sheriff of any county or the chief of police in any city in this state, to take or procure the taking of the photograph of any person held to answer on a charge of any felony, such person being in the custody of such officer, or to make and record any measurements of such prisoner, by the Bertillion or other system, and to exchange such photographs, or measurements, or copies of the same,

with other sheriffs and police officers, or to distribute the same by mail for the purpose of securing evidence for the identification of such person held to answer, if the identity and past record of the said person are unknown to him, and the cost of such photographs, and measurements, and of distributing the same, may be allowed by the court as a part of the costs in the case.

Approved April 11, 1902.

CHAPTER 155.

EMPLOYMENT OF PRISONERS.

H. F. 394.

AN ACT to amend section fifty-seven hundred and seven (5707) of the code, relative to the employment of persons sentenced to imprisonment in the penitentiary, in places or buildings owned or leased by the state outside of the penitentiary enclosures.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Employment of prisoners. That section fifty-seven hundred and seven (5707) of the code be, and the same is hereby amended by striking out after the word "Anamosa" in the second line thereof, the words "there confined and worked upon the state stone quarries near said penitentiary" and insert in lieu thereof, the following: "or to that at Ft. Madison, there confined and worked in places and buildings owned or leased by the state outside of the penitentiary enclosures".

Approved April 11, 1902.

CHAPTER 156.

COMPENSATION OF OFFICERS AND EMPLOYES OF THE PENITENTIARIES.

S. F. 108.

AN ACT to amend section five thousand seven hundred and sixteen (5716) of the code, in relation to the compensation of officers and employes of the penitentiaries of the state.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Compensation of physician. That section five thousand seven hundred and sixteen (5716) of the code of Iowa be and is hereby amended by striking out after the words "Fort Madison" in the sixth line, the word, "fifty" and inserting in lieu thereof the words "seventy-five".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved March 10, 1902

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, March 11, 1902.

W. B. MARTIN,
Secretary of State.

CHAPTER 157.

SUPPORT FOR THE HOSPITALS FOR THE INSANE.

S. F. 161.

AN ACT to provide for the support of the hospitals for the insane and for the transfer of patients on account of the opening of the hospital at Cherokee. [Repealing chapter fifty-four (54) of the acts of the Twenty-seventh General Assembly and chapter one hundred forty (140) of the acts of the Twenty-eighth General Assembly and enacting substitutes therefor, relating to the compensation for keeping patients in the insane hospitals.]