

CHAPTER 136.

COMMITMENT OF BOYS AND GIRLS TO THE INDUSTRIAL SCHOOL.

H. F. 485.

AN ACT providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in sections twenty-seven hundred eight (2708) and twenty-seven hundred nine (2709) of the supplement to the code, 1907, and chapter one hundred seventy-four of the acts of the thirty-third (33) general assembly.

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

SECTION 1. **Repeal.** That the law as it appears in section twenty-seven hundred eight (2708) of the supplement to the code, 1907, and chapter one hundred seventy-four (174) of the acts of the thirty-third (33) general assembly is hereby repealed and in lieu thereof is enacted the following:

"SEC. 2708. **Commitment.** When a boy over the age of ten years and under eighteen, or girl over the age of ten years, and under eighteen, of sound mind, excepting married women, prostitutes, or any girl who is pregnant, shall be found guilty in any court of record of any crime excepting that of murder, the court in its discretion may, instead of entering judgment of conviction, order and direct the party to be sent to the industrial school, if a boy to the department at Eldora, if a girl, to that at Michellville, which order, certified by the clerk of the court and under its seal, shall be sufficient authority for his or her transfer to and confinement in said school. If such a boy or girl is convicted before any inferior court of a crime, or shall be found to be guilty of being a disorderly person, he or she may be forthwith sent by the court, accompanied with all the papers filed in his office upon the subject, in custody of an officer, to a judge of a court of record, who shall thereupon issue an order, directed to the parent or guardian of the party, or to such person as may have him or her in charge, or with whom he or she last resided, or one known to be nearly related to him or her, or if he or she be alone and friendless, then to any person the judge may appoint to act as guardian for the purposes of the case, requiring him or her to appear at a time and place stated and show cause why the party should not be committed to the industrial school, which order shall be served by an officer by delivering a copy to the party to whom it is addressed, or by leaving it with some person of full age at the residence or place of business of said party, and immediate return shall be made to the judge of the service. At the time and place mentioned in the order, or to which the hearing may be adjourned, on the appearance of the parent or guardian, or, in case of their failure to appear, then after the appointment of some suitable person as guardian for the purposes of the case, the judge shall proceed to take the voluntary examination of the boy or girl, to hear the statements of the party appearing for him or her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing he shall be satisfied that the boy or girl is a fit subject for the industrial school, he may commit him or her to said school, until he or she arrives at the age of twenty-one (21) years, by warrant, which warrant shall state the place in which the party resided at the time of arrest, and his or her age, as near as can be ascertained, and shall command the officer to take and deliver without delay to the superintendent of said school or other person in charge thereof the said boy or girl, and the statement as to residence or age shall be conclusive thereof for the purposes of this chapter. With the warrant, the judge shall also transmit a statement of the nature of the complaint, and such other particulars concerning the accused as he may be able to ascertain, including the date of birth, and a brief statement of the habits and environment of the accused, arrests if any for misconduct, influence

and conduct of parents and other members of the family, and the substance of the evidence submitted. If the judge is of the opinion that the boy or girl is not a fit subject for the school, or if said boy or girl shall appeal from the decision of the court in which the conviction was had, he shall remand him or her to the custody of the officer who had him or her in charge, to be returned to the magistrate before whom the conviction was had, to be dealt with according to law."

SEC. 2. Repeal. The law as it appears in section twenty-seven hundred nine (2709) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

"**SEC. 2709. Complaint by parent or guardian.** If any parent or guardian shall make complaint to a judge of a court of record that any boy over the age of ten years and under eighteen, or girl over the age of ten years and under eighteen, the child or ward of such parent or guardian, is habitually vagrant, disorderly or incorrigible, said judge shall issue a warrant to the sheriff or constable to cause said boy or girl to be brought before him at such time and place as he may appoint, when and where he shall examine the parties, and if in his judgment the boy or girl is a fit subject for the industrial school, he may issue an order, with the consent of said parent or guardian indorsed thereon, to be executed by the sheriff or constable, committing said boy or girl to the custody of the superintendent of said school for reformation and instruction until he or she attains the age of twenty-one (21) years; but security for the payment of the expenses of said complaint, commitment and transportation to the school, and the expenses of board thereat, may, in the discretion of the judge, be required of said parent or guardian before such order is executed. Provided, however, that no married woman, prostitute, or girl who is pregnant shall be committed under the provisions of this section, and provided further that with the order the judge shall also transmit a statement of the nature of the complaint, and such other particulars as he may be able to ascertain, including the date of birth and a brief statement of the habits and environment of the accused, arrests if any for misconduct, influence and conduct of parents and other members of the family, and the substance of the evidence submitted."

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.