

A BILL

FOR AN ACT IN RELATION TO SENTENCES TO THE STATE PENITENTIARIES, AND TO AUTHORIZED AND REGULATE PARDONS AND PAROLES OF CONVICTS, AND REPEALING CHAPTER FORTY-NINE (49), TITLE TWENTY-FIVE (XXV) OF THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. When a person is sentenced to confinement within a penitentiary otherwise than
2 for life, for an offense hereafter committed, the court imposing the sentence shall not fix a
3 definite term of imprisonment, but shall fix a maximum and a minimum term, for which such
4 person may be imprisoned. The maximum term shall not be longer than the longest term
5 fixed by the law for the punishment of the offense of which he was convicted, and the
6 minimum term shall not be less than the shortest term fixed by the law for the punishment
7 of the offense of which he was convicted,

Sec. 2. There shall be appointed by the governor, with the advice and consent of the
2 Senate, three persons who shall constitute a Board of Pardon Commissioners. No more than
3 two members of such board shall be appointed from the same political party.

Sec. 3. The term of office of the members of such board when first appointed shall be for two,
2 four and six years, respectively, and thereafter the term of office of each member shall be six
3 years.

Sec. 4. Such Board of Pardon Commissioners shall hold at least four sessions each calendar
2 year, and they shall each receive as compensation for all services performed by them, the sum
3 of ten dollars per day together with necessary expenses, in all not to exceed as salary the sum
4 of one thousand dollars (\$1,000) each per annum. Such salary and expenses shall be stated in
5 account and when approved by the Executive Council shall be paid by the state treasurer
6 on warrants of the state auditor.

Sec. 5. Such Board of Pardon Commissioners shall appoint a secretary at a salary not to
2 exceed fifteen hundred dollars (\$1,500) per year, and such other clerical help as may be
3 necessary.

Sec. 6. All applications for pardon, parole, remission of fine or release from imprisonment
2 hereafter made, arising from convictions of crimes and misdemeanors, shall be submitted to
3 and acted upon by said board. No pardon, parole, remission of fine or release from imprison-

4 ment shall be granted except upon the unanimous recommendation of said Board. Such
5 recommendation shall be addressed to the Governor, who shall then have power to issue such
6 pardon, parole, remission or release, upon such terms and conditions and with such restrictions
7 and limitations as he may think proper.

Sec. 7. When an application is made to such Board of Pardon Commissioners for a pardon,
2 reprieve or communication, they may require any state or county officials to furnish them
3 without delay such papers or transcripts or certificates as may be necessary in the prosecution
4 of their investigations, and shall have power to administer oaths and send for and take
5 testimony of such persons as they deem advisable. Any person who, in giving such
6 testimony, shall swear falsely or who shall knowingly make any false statements in an affidavit
7 to be used in connection with the proceedings of said board shall be guilty of perjury and be
8 punished accordingly.

Sec. 8. Said Board of Pardon Commissioners shall make all necessary rules and regulations
2 governing the applications, hearings findings, and reports as may be necessary.

Sec. 9. Every person to whom a parole or release from imprisonment shall be granted, shall
2 remain in the legal custody and under the control of the Board of Pardon Commissioners, and
3 shall at all times be subject to such rules and regulations as they may prescribe, and shall be
4 subject at any time to be taken back to prison from which he was permitted to go at large, for
5 any reason which may be satisfactory to the Board and at their discretion, and upon request of
6 such Board the Governor may order such person to be so returned. Power to retake and return
7 such paroled or released person to the prison from which he was permitted to go at large is
8 hereby expressly conferred upon the Governor, whose written order duly signed and attested
9 shall be sufficient warrant therefor authorizing the officer named therein to return such person
10 to the custody of the prison from which he was permitted to go at large.

Sec. 10. The person paroled or released from custody, who may upon such order of the
2 Governor be returned to the custody of the prison from which he was released, shall be retained
3 therein according to the terms of his original sentence, and in computing the period of his
4 confinement the time between his release and his return to custody shall not be taken to be
5 any part of the term of the sentence.

Sec. 11. For the purpose of carrying out the provisions of this act there is hereby appropriated
2 from any funds in the hands of the state treasurer not otherwise appropriated the sum of ten
3 thousand dollars (\$10,000) per annum, or so much thereof as may be necessary.

Sec. 12. Chapter forty-nine (49), title twenty-five (XXV) of the Code, and all acts or parts
2 of acts inconsistent herewith are hereby repealed.