

APPOINTED BY THE THIRTIETH GENERAL ASSEMBLY, UNDER
JOINT RESOLUTION NO. 6.

A BILL

FOR AN ACT TO REVISE THE LAW RELATING TO THE SENTENCE AND COMMITMENT OF PERSONS CONVICTED OF CRIME, AND PROVIDING FOR A SYSTEM OF REFORM AND PAROLE, AND TO CREATE THE NECESSARY OFFICERS THEREFOR, DEFINING THEIR POWERS AND DUTIES, AND TO FIX THEIR COMPENSATION, AND APPROPRIATING THE MONEY NECESSARY TO CARRY THE SAME INTO EFFECT, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

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

Section 1. Hereafter the penitentiary at Anamosa shall be officially known and designated
2 as "The Reformatory," and in law shall be treated and regarded as the reformatory department
3 of the state penitentiary of Iowa.

Sec. 2. All male persons who shall be committed to the penitentiary for any crime com-
2 mitted after the fourth day of July, 1906, and who at the time of commitment are between
3 the ages of sixteen and thirty years shall be confined in the reformatory and be subject to all
4 laws, rules and regulations provided for the government of the same, provided, however, that
5 all male persons committed to life imprisonment or for treason shall be kept in the peniten-
6 tiary at Ft. Madison.

Sec. 3. The criminal insane shall continue to be confined in the insane department at
2 Anamosa, as provided in section fifty-seven hundred and nine of the Code.

Sec. 4. Any male prisoner confined in the Reformatory may be transferred to the peniten-
2 tiary at Ft. Madison upon order of the Board of Control, for violation of the rules of the Reform-
3 atory, or for insubordination, and a like transfer may be ordered by said Board when ever it
4 shall be of the opinion that a prisoner is not a hopeful subject for Reformatory treatment.

Sec. 5. If it shall appear any time after conviction and incarceration in the Reformatory
2 that a prisoner was over thirty years of age at the time of commitment, he may be at once
3 transferred to the prison at Ft. Madison and he may likewise be transferred if it shall appear
4 that he has twice before been convicted of a felony either in Iowa or elsewhere.

Sec. 6. The Board of Control may retain in the Reformatory such persons as have been or
2 are committed to the penitentiary at Anamosa for crimes committed on or prior to July 4, 1906,

3 except that all persons convicted of murder in the first degree and all persons sentenced to
4 life imprisonment shall be kept and confined in the prison at Ft. Madison and a transfer shall
5 be made within reasonable time after July 4th, 1906, from the Reformatory to the prison at
6 Ft. Madison of the persons named in this exception.

Sec. 7. Whenever there is unoccupied room in the Reformatory, the Board of Control in its
2 discretion transfer from the prison at Fort Madison well behaved and most promising convicts
3 who are confined for their first offenses.

Sec. 8. The discipline to be observed in the Reformatory shall be reformatory, and the Board
2 of Control may use such means of reformation consistent with the security and improvement
3 of the prisoners, as they may deem expedient. The prisoners may be employed in agricultural,
4 mechanical or other labor as a means of securing their support and reformation; they may be
5 used to quarry stone, manufacture material and articles of merchandise for use in that or other
6 state institutions, so long as the production of the same shall not interfere with the reforma-
7 tory treatment of the inmates of the Reformatory.

Sec. 9. The Board of Control shall be authorized to employ the prisoners confined in the
2 Reformatory upon any contract the State of Iowa may have heretofore made for prison labor,
3 but no contract shall hereafter, be made and entered into by the State of Iowa whereby the
4 labor of the prisoners at the Reformatory shall be sold for a per diem wage.

Sec. 10. The Board of Control shall cause to be entered in a register the date of the admis-
2 sion of each prisoner to the Reformatory, the age, name, nativity and nationality of such
3 prisoner, and all such other ascertainable facts relating to parentage and early social influ-
4 ence as seem to indicate the constitutional and acquired defects and tendencies of the prisoner
5 and, based upon these, an estimate of the present condition of the then prisoner and the best
6 probable mode of treatment. There shall also be entered upon such register, quarterly or
7 oftener, minutes of observed improvement or deterioration of character, notes as to methods
8 of treatment employed, all orders or alterations affecting the standing or situation of such
9 prisoner, the circumstances of his final release and any subsequent facts relating to his per-
10 sonal history which may be brought to their knowledge.

Sec. 11. The Board of Control shall make rules providing for the employment, discipline,
2 instruction and education of the prisoners confined in the Reformatory. All rules adopted and
3 in force shall be printed and a copy thereof distributed to each officer and employee. Each
4 prisoner shall be furnished with a copy of the rules relating to the government of the inmates.

Sec. 12. The Board of Control shall adopt for the Reformatory a uniform set of marks by
2 means of which shall be determined the number of marks or credits to be earned by each
3 prisoner confined in such Reformatory, as the condition of increasing privileges or of recom-
4 mendation for release from the Reformatory, which system shall be subject to revision from
5 time to time. Each prisoner shall be credited for good personal demeanor, diligence in labor

6 and study, and for results accomplished, and shall be charged for dereliction, negligence and
7 offenses. Each prisoner's account of marks or credits shall be made known to him as often as
8 once in each month. The Board of Control shall make rules by which each prisoner shall be
9 permitted to see and converse with some member of the Board of Control at stated periods.

Sec. 13. Whenever any person over the age of sixteen, tried for any felony committed
2 after July 4, 1906, is found guilty of such offense or any included offense which is punishable
3 by imprisonment in the penitentiary, except treason or murder in the first or second degree,
4 he shall be sentenced to the penitentiary, and the court imposing such sentence shall not fix
5 the limit or duration of the same, but the term of such imprisonment shall not be less than
6 one year nor shall it exceed the maximum term provided by law for the crime of which the
7 prisoner was convicted; provided, that if a prisoner be sentenced to the penitentiary for two or
8 more separate offenses and the second or further term is ordered to begin at the expiration of
9 the first, and such succeeding term of sentence is specified in the order of commitment, the
10 several terms shall for the purpose of this act be construed as one continuous term of imprison-
11 ment; and provided, that where one is convicted of a felony that is punishable by imprison-
12 ment in the penitentiary, or by fine, or by imprisonment in the county jail, or both, the court
13 may impose the lighter sentence if it shall so elect.

Sec. 14. There is hereby created a board, to be known as the "Board of Parole" to consist
2 of three electors of the State, not more than two of whom shall be members of the same politi-
3 cal party. One member of said Board shall be a duly licensed attorney-at-law.

4 Prior to the adjournment of the Thirty-first General Assembly, the Governor with the advice
5 and consent of the Senate in executive session shall appoint the members of said Board, who
6 shall hold office as designated by the Governor for the term of one, three, and five years
7 respectively; and all subsequent appointments shall be made as above provided and shall be
8 for a term of six years, except appointments to fill vacancies which shall be for the unex-
9 pired term. The Governor, at the time of making such appointment, shall designate the
10 person appointed for the long term as chairman of the Board. Whenever a vacancy shall
11 occur in the chairmanship, the Governor shall designate his successor. The terms of the
12 members first appointed shall commence July first, 1906.

13 The chairman shall receive a salary of three thousand dollars per year and his actual
14 expenses when absent from the Capitol on official business, and shall devote all his time to the
15 duties of his office. The other members of the Board shall receive as compensation the sum
16 of ten dollars per day for time actually employed, and their actual expenses while so engaged.
17 The per diem allowed each member shall not, however, exceed the sum of seven hundred fifty
18 dollars in any one year.

19 The Board of Parole may employ a competent secretary, who shall receive a salary not to
20 exceed fifteen hundred dollars per year. They may employ such other employees as the

21 Executive Council may authorize by written resolution.

22 A suitable office in the Capitol shall be provided for the use of said Board, with such furni-
23 ture and office supplies as shall reasonably be necessary for the use of the same.

24 The Board shall meet quarterly at the Capitol, and at each penitentiary, and oftener if it
25 shall be deemed necessary.

Sec. 15. There is hereby appropriated from any funds in the State Treasury, not otherwise
2 appropriated, sufficient thereof to pay the salaries and expenditures herein authorized.

Sec. 16. The secretary and other employees shall be entitled to their necessary traveling
2 expenses, by the nearest traveled and practicable route, incurred in going from Des Moines
3 to the penitentiaries or other places in the State when on official business. No expenditure for
4 traveling expenses to other states shall be made by the Board or any officer or agent thereof,
5 unless the authority to make such trip is granted at a meeting of the Board, upon a written reso-
6 lution, adopted by the Board, which shall state the purpose of such trip and the reason the same
7 is deemed necessary. Emergency trips may be made upon written order of the chairman,
8 which shall be reported to the Board at its next meeting.

Sec. 17. Before any expenses or per diem of the members of the Board, any officer or agent
2 thereof, or any expense incurred by others under the direction of the Board, shall be paid, a
3 minutely itemized statement of such expenditures shall be presented to the proper authority,
4 duly verified, which certification shall aver that the expense bill is just, accurate and true, and
5 is claimed for cash expenditures or cash disbursements truly and actually paid and made to the
6 parties named, as shown by said statement. Unless the statement is so verified and duly
7 audited, payment thereof shall not be made. The expense bills of the members of the Board,
8 the secretary and its other employees, when so verified, shall be presented to the Executive
9 Council for their written audit before payment is made. The salaries and actual expenses of
10 the Board, the secretary and other employees, shall be paid monthly, by the Treasurer of the
11 State, upon warrant of the Auditor of State.

Sec. 18. The Board of Parole shall have power to establish rules and regulations under
2 which it may allow prisoners within the penitentiaries to go upon parole outside of the peni-
3 tentiary buildings, enclosures and appurtenances, but to remain while on parole in the legal
4 custody and under the control of the said Board of Parole and subject, at any time, to be taken
5 back and confined within the penitentiary; and the Board shall have full power to enforce
6 such rules and regulations and to re-take and re-imprison any convict upon parole. The order
7 of said Board certified by its secretary, shall be a sufficient warrant for any peace officer to
8 arrest and take into actual custody, or to return to the penitentiary specified in the order, any
9 prisoner conditionally released or paroled by said Board; and it is hereby made the duty of all
10 peace officers to execute such order, the same as any other criminal process, and shall receive
11 the same fees as a sheriff for like services, the same to be paid from the ordinary expense fund

12 of the penitentiary. But no person shall be released on parole before the expiration of the
13 maximum term provided by law for the punishment of the crime of which he was convicted,
14 until the Board of Parole shall have satisfactory evidence that arrangements have been made
15 for his employment for at least six months with some suitable employer. The time when a
16 prisoner is upon parole or absent from the penitentiary shall not be held to apply upon his
17 sentence if he shall violate the terms of his parole.

Sec. 19. It shall be the duty of the Board of Parole to keep in communication, so far as pos-
2 sible, with all persons who are on parole, and when, in their opinion any prisoner who has
3 served not less than six months of his parole acceptably has given such evidence as is deemed
4 reliable and trustworthy that he is and will continue to be a law abiding citizen, and that his
5 final release is not incompatible with the welfare of society; and when the said Board of
6 Parole shall have procured, as far as possible, all facts relating to the history of such paroled
7 prisoner, both before and after his confinement and parole; his record while detained, his rec-
8 ord while on parole, together with any facts relating to his antecedent life, the Board of Parole
9 shall recommend to the Governor the discharge of said prisoner from further liability under
10 his sentence. Said recommendation shall be entered on a proper record, kept by said Board
11 for that purpose, and a certified copy of the order of discharge, when made, by the Governor
12 shall be filed with the clerk of the court in which said prisoner was sentenced to said peniten-
13 tiary.

Sec. 20. Nothing in this act contained shall be construed as impairing the power of the Gov-
2 ernor, under the laws and the constitution, to grant a pardon or commutation of sentence in
3 any case.

Sec. 21. Upon the release of any prisoner upon parole, he shall be furnished with clothing
2 and money as provided in section 5684 of the Code, and transportation to his place of employ-
3 ment, provided that no further allowance shall be made if final discharge is granted while on
4 parole.

Sec. 22. It shall be the duty of the Board of Parole, under the direction of the government,
2 to take charge of all correspondence in reference to the pardon of persons convicted of crimes,
3 and to carefully investigate each application and to file its recommendation with the Governor,
4 with its reasons for the same.

Sec. 23. All acts and parts of acts which are in conflict with this act are hereby repealed,
2 in so far as they shall apply to persons convicted of crimes committed after the 4th day of July,
3 1906. This act shall not operate, however, to repeal any of the laws now in force, in so far as
4 they shall relate to any persons that have heretofore been convicted of a crime under the laws
5 of the state of Iowa, or to any persons that shall hereafter be convicted of a crime committed
6 on or before the 4th day of July, 1906, and the rights under the law of all prisoners that now
7 are or may hereafter be committed to the penitentiary for crimes committed on or prior to the

8 4th day of July, 1906, are expressly preserved to them. This act shall not operate in any way
9 to repeal any laws that refer to the sentence of persons hereafter convicted of murder in the
10 first or second degree, or treason.

Sec. 24. It shall be the duty of the clerk of any court in which a prisoner shall be sen-
2 tenced to the penitentiary, to furnish the Board of Parole a record containing a copy of the
3 indictment, with the minutes of testimony attached thereto; the name and residence of the
4 judge presiding at the trial, and of the county attorney who prosecuted the prisoner, also the
5 jurors and the witnesses sworn at the trial. The county attorney who prosecuted said prisoner
6 and the presiding judge shall, when requested by the Board of Parole, furnish to it a full state-
7 ment of all the facts and circumstances connected with the commission of the crime of which
8 the prisoner is convicted, so far as known or believed by them.

Sec. 25. The Board of Parole may render such assistance as may be deemed necessary to
2 the success of the parole system provided in this act, in the procuring of employment with
3 trustworthy employees for prisoners about to be paroled; and necessary expenses incident
4 thereto, not already provided for, shall be paid as other expenses of the Board.

5 IT IS HEREBY MADE THE DUTY OF EVERY public officer to whom inquiry may be addressed
6 by the Board of Parole, concerning any prisoner to give said Board all information possessed
7 or accessible to him which may throw light upon the question of the fitness of said prisoner
8 to receive the benefits of parole.

Sec. 26. This act, being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Register and Leader and the Des Moines Daily Capital,
3 newspapers published in Des Moines, Iowa.