

*By Parole  
Pardons & paroles  
Appropriation*

# 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 as "The Reformatory", and shall be the reformatory department of the State Penitentiary of Iowa.

SEC. 2. Any male person who shall be committed to the penitentiary after the 4th day of July, 1907, and who at the time of commitment is between the ages of sixteen and thirty years and who has never before been convicted of a felony, shall be confined in the reformatory, provided, however, that all male persons committed to life imprisonment or for treason shall be kept in the penitentiary at Fort Madison.

SEC. 3. The criminal insane shall continue to be confined in the insane department at 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 penitentiary at Fort Madison, upon order of the Board of Control, for violation of the rules of the reformatory or for insubordination and a like transfer may be ordered by said Board whenever it shall be of the opinion that a prisoner is not a hopeful subject for reformatory treatment.

SEC. 4½. If it shall appear at any time after conviction and incarceration in the reformatory that a prisoner was over thirty years of age at the time of commitment, he may be at once transferred to the prison at Fort Madison, and he may likewise be transferred if it shall appear that he had, prior to the last conviction, been convicted of a felony in Iowa or elsewhere.

SEC. 5. The Board of Control may retain in the reformatory such persons as have been or are committed to the penitentiary at Anamosa for crimes committed on or prior to July

3 4, 1907, except that all persons convicted of murder in the first degree and all persons sen-  
4 tenced to life imprisonment shall be kept and confined in the prison at Fort Madison and  
5 a transfer shall be made as soon as reasonably convenient after July 4, 1907, from the re-  
6 formatory to the prison at Fort Madison of the persons named in this exception.

SEC. 6. Whenever there is unoccupied room in the reformatory, the Board of Control  
2 may, in its discretion, transfer from the prison at Fort Madison well-behaved and most  
3 promising convicts who are confined for their first offenses.

SEC. 7. The inmates of the reformatory shall be employed only on state account, which  
2 employment shall be conducive to the teaching of useful trades and callings so far as is  
3 practicable, and the intellectual and moral development of the inmates, provided, however,  
4 that the inmates of the reformatory may be employed to complete any contracts for prison  
5 labor to be performed in the penitentiary at Anamosa.

SEC. 8. The Board of Control shall cause to be kept at the reformatory and penitentiary  
2 such registers and records of prisoners for the use of the Board of Parole, as may be  
3 approved by the Executive Council.

SEC. 9. After July 4, 1907, whenever any person over sixteen years of age is convicted  
2 of a felony, committed subsequent to July 4, 1907, except treason or murder, the court im-  
3 posing a sentence of confinement in the penitentiary shall not fix the limit or duration of the  
4 same but the term of such imprisonment shall not exceed the maximum term provided by  
5 law for the crime of which the prisoner was convicted; provided that if a person be sen-  
6 tenced for two or more separate offenses and the second or further term is ordered to begin  
7 at the expiration of the first and such succeeding term of sentence is specified in the order  
8 of commitment, the several terms shall for the purpose of this act be construed as one  
9 continuous term of imprisonment; and provided, that where one is convicted of a felony  
10 that is punishable by imprisonment in the penitentiary, or by fine, or by imprisonment in the  
11 county jail, or both, the court may impose the lighter sentence if it so elect.

SEC. 10. Prior to the adjournment of the Thirty-second General Assembly, the Governor,  
2 with the advice and consent of the Senate, shall appoint three electors of the state, not more  
3 than two of whom shall belong to the same political party, and one member of whom shall  
4 be a duly licensed attorney at law, as members of a board to be known as a Board of Parole.  
5 Said members shall hold office, as designated by the Governor, for two, four and six years  
6 respectively; subsequent appointments shall be made as provided above, and shall be for a  
7 term of six years, except appointments to fill vacancies, which shall be for the unexpired  
8 term. The terms of the members first appointed shall commence July 1, 1907, and the Chair-  
9 man of the Board shall be the member whose term first expires. Appointments made when  
10 the General Assembly is not in session shall be subject to the approval of the Senate when  
11 next in session. A suitable office at the Capitol shall be provided for the use of said Board,

12 with such furniture and office supplies as shall be reasonably necessary for the use of the  
13 same, and such Board shall hold at least four sessions each calendar year. They shall receive  
14 as compensation ten dollars (\$10.00) per day for the time actually spent in discharge of the  
15 duties of this office, not to exceed one thousand dollars (\$1,000.00) each per annum, and all  
16 necessary expenses while on official business. The Board of Parole shall employ a competent  
17 secretary, who shall receive a salary not to exceed two thousand dollars (\$2,000.00) per  
18 year and necessary traveling expenses when on official business required and designated by  
19 the Board. He shall keep records and perform such duties as state agent or otherwise, as  
20 shall be prescribed by the Board.

21 They may employ such other employees as the Executive Council may authorize by written  
22 resolution.

SEC. 11. 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. 12. The secretary and other employees shall be entitled to their necessary traveling  
2 expenses by the nearest traveled and practicable routes incurred in going from Des Moines  
3 to the penitentiaries or other places in the state when on official business. No expenditure  
4 for traveling expenses to other states shall be made by the Board or any officer or agent  
5 thereof unless the authority to make such trip is granted at a meeting of the Board upon a  
6 written resolution adopted by the Board, which shall state the purpose of such trip and the  
7 reason the same is deemed necessary. Emergency trips may be made upon written order  
8 of the chairman, which shall be reported to the Board at its next meeting.

SEC. 13. Before any expenses or per diem of the members of the Board or any officer or  
2 agent thereof, or any expenses incurred by others under the direction of the Board, shall  
3 be paid, a minutely itemized statement of such expenditures shall be presented to the proper  
4 authorities, duly verified, which certification shall aver that the expense bill is just, accurate  
5 and true, and is claimed for cash expenditures or cash disbursements truly and actually paid  
6 and made to the parties named as shown by said statement herein. Unless the said state-  
7 ment is so verified and duly audited, payment thereof shall not be made. The expense  
8 bills of the members of the Board, the secretary and its other employees, when so verified,  
9 shall be presented to the Executive Council for their written audit before payment is made.  
10 The salaries and actual expenses of the Board, the secretary and other employees shall be  
11 paid monthly by the Treasurer of the State, upon the warrant of the Auditor of State.

SEC. 14. The Board of Parole shall have power to establish rules and regulations under  
2 which it may allow prisoners within the penitentiaries other than prisoners serving life terms  
3 to go upon parole outside the penitentiary buildings, enclosures and appurtenances, but to  
4 remain while on parole in the legal custody of the wardens of the penitentiaries and under  
5 the control of the said Board of Parole and subject, at any time, to be taken back and con-

6 fined within the penitentiary; and the Board shall have full power to enforce such rules and  
7 regulations and to retake and re-imprison any such parole convict. The order of said Board  
8 certified by its secretary shall be a sufficient warrant for any peace officer to arrest and take  
9 into actual custody or to return to the penitentiary specified in the order any prisoner con-  
10 ditionally released or paroled by said Board; and it is hereby made the duty of all peace  
11 officers to execute such order the same as any other criminal process and they shall receive  
12 the same fees as sheriffs for like services, the same to be paid from the ordinary expense  
13 fund of the penitentiaries, but no person shall be released on parole before the expiration of  
14 the maximum term provided by law for the punishment of the crime of which he was con-  
15 victed until the Board of Parole shall have satisfactory evidence that arrangements have been  
16 made for his employment or maintenance for at least six months. The time when a prisoner  
17 is upon parole or absent from the penitentiary shall not be held to apply upon his sentence  
18 if he shall violate the terms of his parole.

SEC. 14½. The Board of Parole may institute any inquiry it may deem expedient in re-  
2 gard to any prisoner or application for pardon, final discharge, or parole; but said Board  
3 shall not receive, unsolicited by them, any petition or communication or argument in regard  
4 to said application, unless provided for in their adopted rules.

SEC. 15. It shall be the duty of the Board of Parole to keep in communication, so far as  
2 possible, with all persons who are on parole and when, in their opinion, any prisoner who  
3 has served not less than six months of the parole acceptably, has given such evidence as  
4 is deemed reliable and trustworthy that he is and will continue to be a law-abiding citizen  
5 and that his final release is not incompatible with the welfare of society; and when the said  
6 Board of Parole shall have procured, as far as possible, all facts relating to the history  
7 of such paroled prisoner, both before and after his confinement and parole, and his record  
8 while detained, the Board of Parole shall recommend to the Governor the discharge of such  
9 prisoner from further liability under his sentence. Said recommendation shall be entered  
10 on a proper record, kept by said Board for that purpose, and a certified copy of the order of  
11 discharge, when made by the Governor, shall be filed with the clerk of the court in which  
12 said prisoner was sentenced to the penitentiary. All papers and documents relating to the  
13 pardon of any person shall upon the granting of such pardon become a part of the files of the  
14 Governor's office.

SEC. 16. Nothing in this act contained shall be construed as impairing the power of the  
2 Governor under the constitution, to grant pardons, or reprieves, or commutations of sen-  
3 tence.

SEC. 17. Upon the release of any prisoner upon parole, he shall be furnished with clothing  
2 and money as provided in section fifty-six hundred eighty-four (5684) of the Code and trans-

3 portation to his place of employment, provided that no further allowance shall be made if  
4 final discharge is granted while on parole.

SEC. 18. It shall be the duty of the Board of Parole, under the direction of the Governor,  
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 Gov-  
4 ernor with its reasons for the same.

SEC. 19. 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 crime committed after the fourth day  
3 of July, 1907. This act shall not operate, however, to repeal any of the laws now in force,  
4 in so far as they may relate to persons that have heretofore been convicted of a crime un-  
5 der the laws of the State of Iowa, or to any persons that shall hereafter be convicted of a  
6 crime committed on or before the 4th day of July, 1907, and the rights under the law of all  
7 prisoners that are now or hereafter may be committed to the penitentiary for crimes com-  
8 mitted on or prior to the 4th day of July, 1907, are expressly preserved to them. This act  
9 shall not operate in any way to repeal any laws that refer to the sentence of persons here-  
10 after convicted of murder in the first or second degree, or treason.

SEC. 20. 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; and the name and residence of the  
4 judge presiding at the trial, and of the county attorney who prosecuted said prisoner; also  
5 the jurors and witnesses sworn at the trial. The county attorney who prosecuted said pris-  
6 oner and the presiding judge shall, when requested by the Board of Parole, furnish to it a  
7 full statement of all the facts and circumstances connected with the commission of the crime  
8 of which the prisoner is convicted, so far as known or believed by them.

SEC. 21. The Board of Parole may render such assistance as may be deemed necessary  
2 to the success of parole system, in the procuring of employment with trustworthy employers  
3 for prisoners about to be paroled; and necessary expenses incident thereto, not already pro-  
4 vided 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 by  
6 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. 22. 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 Des Moines Daily Capital,  
3 newspapers published in Des Moines, Iowa.