

in the supplement to the code is hereby amended by striking from the last two lines thereof the words "thirteen guards at Ft. Madison" and inserting in lieu thereof the following: "forty-five guards at Ft. Madison and forty-two guards at Anamosa".

Approved April 13, A. D. 1907.

## CHAPTER 192.

### INDETERMINATE SENTENCES AND REFORMATORY.

S. F. 30.

**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. [Additional to chapter two (2) of title twenty-six (XXVI) of the code, relating to penitentiaries.]

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

**SECTION 1. "The reformatory."** 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. Commitments.** Any male person who shall be committed to the penitentiary after the 4th day of July, 1907, (except those convicted of murder, treason, sodomy or incest), 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 persons between the ages of sixteen and thirty years convicted of rape, robbery, or of breaking and entering a dwelling house in the night time with intent to commit a public offense therein, may, as the particular circumstances may warrant, in the discretion of the court, be committed to either the reformatory at Anamosa, or the penitentiary at Fort Madison.

**SEC. 3. Insane department.** 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. Transfer of prisoners for violation of rules, insubordination, etc.** 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. Transfer of prisoners over age limit—former convictions.** 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 shall be at once transferred to the prison at Fort Madison, and he shall 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. What prisoners retained in reformatory—transfer of life prisoners.** 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 4th, 1907, except that all persons convicted of murder in the first degree and all persons sentenced to life imprisonment shall be kept and confined in the prison at Fort Madison and a transfer shall be made as soon as reasonably convenient after July 4th, 1907, from the reformatory to

the prison at Fort Madison of the persons named in this exception, provided that prisoners committed for life who are now beyond fifty-five years of age shall not be removed.

**SEC. 6. Transfer when Fort Madison penitentiary is overcrowded.** Whenever there is unoccupied room in the reformatory and the prison at Fort Madison is over-crowded, the board of control may, in its discretion, transfer from the prison at Fort Madison well-behaved and most promising convicts, who are confined for their first offense. The prison at Fort Madison shall be deemed to be overcrowded when the number of inmates exceeds the number of cells.

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

**SEC. 8. Registers and records.** The board of control shall cause to be kept at the reformatory and penitentiary such registers and records of prisoners for the use of the board of parole as may be approved by the executive council.

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

**SEC. 10. Board of parole—terms—office—supplies—compensation—secretary—salary—duties—employes.** Prior to the adjournment of the Thirty-second General Assembly, the governor, with the advice and consent of the senate, shall appoint three electors of the state, not more than two of whom shall belong to the same political party, and one member of whom shall be a duly licensed attorney at law, as members of a board to be known as a board of parole. Said members shall hold office, as designated by the governor, for two, four and six years respectively; subsequent appointments shall be made as provided above, and shall be for a term of six years, except appointments to fill vacancies, which shall be for the unexpired term. The terms of the members first appointed shall commence July 1, 1907, and the chairman of the board shall be the member whose term first expires. Appointments made when the general assembly is not in session shall be subject to the approval of the senate when next in session. A suitable office at the capitol shall be provided for the use of the board, with such furniture and office supplies as shall be reasonably necessary for the use of the same, and such board shall hold at least four sessions each calendar year. They shall receive as compensation ten dollars (\$10) per day for the time actually spent in discharge of the duties of this office, not to exceed one thousand dollars (\$1000) each per annum, and all necessary expenses while on official business. The board of parole shall employ a competent secretary who shall

receive a salary not to exceed two thousand dollars (\$2000) per year and necessary traveling expenses when on official business required and designated by the board. He shall keep records and perform such duties as state agent or otherwise, as shall be prescribed by the board. They may employ such other employes as the executive council may authorize by written resolution.

**SEC. 11. Appropriation.** There is hereby appropriated from any funds in the state treasury not otherwise appropriated sufficient thereof to pay the salaries and expenditures herein authorized.

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

**SEC. 13. Itemized statement of expenditures—how approved and paid.** Before any expenses or per diem of the members of the board, or any officer or agent thereof, or any expense incurred by others under the direction of the board, shall be paid, a minutely itemized statement of such expenditures shall be presented to the proper authorities, duly verified, which certification shall aver that the expense bill is just, accurate and true, and is claimed for cash expenditures or cash disbursements truly and actually paid and made to the parties named as shown by said statement herein. Unless the said statement is so verified and duly audited, payment thereof shall not be made. The expense bills of the members of the board, the secretary and its other employes, when so verified, shall be presented to the executive council for their written audit before payment is made. The salaries and actual expenses of the board, the secretary and other employes, shall be paid monthly by the treasurer of the state upon the warrant of the auditor of state.

**SEC. 14. Rules and regulations governing paroles.** The board of parole shall have power to establish rules and regulations under which it may allow prisoners within the penitentiaries other than prisoners serving life terms to go upon parole outside of the penitentiary buildings, enclosures and appurtenances, but to remain while on parole in the legal custody of the wardens of the penitentiaries and under the control of the said board of parole and subject, at any time, to be taken back and confined within the penitentiary; and the board shall have full power to enforce such rules and regulations and to retake and re-imprison any such paroled convict. The order of said board certified by its secretary shall be a sufficient warrant for any peace officer to arrest and take into actual custody or to return to the penitentiary specified in the order any prisoner conditionally released or paroled by said board; and it is hereby made the duty of all peace officers to execute such order the same as any other criminal process and they shall receive the same fees as sheriffs for like services, the same to be paid out of the appropriation made herein, but no person shall be released on parole before the expiration of the maximum term provided by law for the punishment of the crime of which he was convicted until the board of parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance for at least six months. The time when a prisoner is upon parole or absent from the penitentiary shall not be held to apply upon his sentence if he shall violate the terms of his parole.

**Sec. 14½. Inquiry relative to pardon or parole.** The board of parole may institute any inquiry it may deem expedient in regard to any prisoner or application for pardon, final discharge or parole; but said board shall not receive, unsolicited by them, any petition or communication or argument in regard to said application, unless provided for in their adopted rules.

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

**Sec. 16. Power of governor to grant reprieves, pardons or commutations not impaired.** Nothing in this act contained shall be construed as impairing the power of the governor under the constitution, to grant a reprieve, pardons or commutations of sentence in any case.

**Sec. 17. Clothing, money and transportation furnished paroled prisoners.** Upon the release of any prisoner upon parole, he shall be furnished with clothing and money as provided in section fifty-six hundred eighty-four (5684) of the code and transportation to his place of employment, provided that no further allowance shall be made if final discharge is granted while on parole.

**Sec. 18. Investigation of applications for pardon.** It shall be the duty of the board of parole, under the direction of the governor, to take charge of all correspondence in reference to the pardon of persons convicted of crimes and to carefully investigate each application, and to file its recommendation with the governor with its reasons for the same.

**Sec. 19. Repealed.** All acts and parts of acts which are in conflict with this act are hereby repealed in so far as they shall apply to persons convicted of crime committed after the fourth day of July, 1907. This act shall not operate, however, to repeal any of the laws now in force, in so far as they may relate to persons that have heretofore been convicted of a crime under the laws of the state of Iowa, or to any persons that shall hereafter be convicted of a crime committed on or before the 4th day of July, 1907, and the rights under the law of all prisoners that are now or hereafter may be committed to the penitentiary for crimes committed on or prior to the 4th day of July, 1907, are expressly preserved to them. This act shall not operate in any way to repeal any laws that refer to the sentence of persons hereafter convicted of murder in the first or second degree, or treason.

**Sec. 20. Duty of clerk of district court and county attorney.** It shall be the duty of the clerk of any court in which a prisoner shall be sentenced to the penitentiary, to furnish the board of parole a record containing a copy of the indictment with the minutes of testimony attached thereto; and the name and residence of the judge presiding at the trial and of the county attorney who prosecuted the prisoner: also the jurors and the witnesses sworn at the trial. The county attorney who prosecuted said prisoner and

the presiding judge, shall, when requested by the board of parole, furnish to it a full statement of all the facts and circumstances connected with the commission of the crime of which the prisoner is convicted, so far as known or believed by them.

**SEC. 21. Employment for paroled prisoners—duty of public officers.** The board of parole may render such assistance as may be deemed necessary to the success of parole system, in the procuring of employment with trustworthy employers for prisoners about to be paroled; and necessary expenses incident thereto, not already provided for, shall be paid as other expenses of the board. It is hereby made the duty of every public officer to whom inquiry may be addressed by the board of parole concerning any prisoner to give said board all information possessed or accessible to him which may throw light upon the question of the fitness of said prisoner to receive the benefits of parole.

**SEC. 22. 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 Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 2, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital, April 3, 1907.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 193.

### PLACE OF CONFINEMENT OF FEMALE CONVICTS.

S. F. 871.

AN ACT fixing the place of confinement of females who are convicted of felonies and sentenced to confinement in the penitentiary. [Additional to chapter two (2) of title twenty-six (XXVI) of the code, relating to penitentiaries.]

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

**SECTION 1. Female convicts to be confined in reformatory.** Any female heretofore or hereafter convicted of a felony and sentenced to confinement in the penitentiary shall be kept in the reformatory at Anamosa.

Approved April 13, A. D. 1907.

## CHAPTER 194.

### EMPLOYMENT OF CONVICT LABOR.

S. F. 828.

AN ACT authorizing the employment of convict labor in the care of the state's property and for other purposes. [Additional to chapter two (2) of title twenty-six (XXVI) of the code, relating to penitentiaries.]

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

**SECTION 1. Convict labor—how employed.** Convict labor may be used in caring for the houses and premises, occupied by the wardens of the penitentiaries, and for such domestic purposes as may be deemed necessary; provided, however, that nothing be done inconsistent with prison discipline and that not more than two convicts shall be thus used at any one time.