

diction, provided such institution is willing to receive the accused under such commitment without expense to the state. No female shall be so committed for a time longer than would be legal if committed to a jail. If the court has already committed such female to a jail and thereafter it appears that any such institution is willing to receive such female under a commitment, and under the conditions herein imposed, then, in such case, the court shall have power to make an additional order, releasing such female from such jail and ordering her committed to such institution for the unexpired time of the original commitment. Any such female may be surrendered at any time to the court, judge or presiding magistrate, making the original order, which court, judge or magistrate may make a further order committing the accused to a proper jail for the unexpired term of the original commitment.

SEC. 2. **Release.** If, after any female is so committed to such institution, a bond is given under which such female is entitled to a release from such commitment, then such female shall be released by an order issued by the officer approving said bond.

SEC. 3. **Under custody and control of manager—labor—"institution" defined.** Any female committed to an institution as herein provided shall be in the legal custody and control of the person residing therein, and who is the immediate managing head of said institution, and such female, whether the commitment so provides or not, shall, while being held under such commitment, do and perform such reasonable, fit and proper labor as such managing head may direct, which labor shall be the sole compensation to such institution for the keep of such female. The term "institution" as herein used shall embrace any institution, society, association, corporation or organization having for its objects, in whole or in part, the furnishing of relief, care and assistance to the poor, dissolute, needy or unfortunate, or any other charitable or benevolent object.

SEC. 4. **Board of control to visit and supervise.** Any institution having any such female in its custody shall be subject to visitation by the board of control, its members or agents, which may require such information from such institution as the said board shall deem necessary, in order to enable it to exercise proper supervision. Should the said board at any time deem any such institution unfit to have the custody of any such female, it shall notify such institution through said managing head, whereupon all such females then in custody of such institution shall be at once surrendered to the court, judge or presiding magistrate, making the original commitment.

Approved March 27, A. D. 1911.

CHAPTER 188.

CRIMINAL PROSECUTIONS.

H. F. 12.

AN ACT to provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury in cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information. [Additional to title twenty-five (XXV) of the code, relating to criminal procedure.]

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

SECTION 1. **Prosecutions on information.** That from and after the taking effect of this act, criminal offenses in which the punishment exceeds a fine of

one hundred dollars or exceeds imprisonment for thirty days may be prosecuted to final judgment, either on indictment, as is now or may be hereafter provided, or on information as herein provided, and the district and supreme court shall possess and exercise the same power and jurisdiction to hear, try and determine prosecutions on information, as herein provided, for all such criminal offenses, to issue writs and process and do all other acts therein, as they possess and may exercise in cases of like prosecutions upon indictment.

SEC. 2. County attorney to file information under oath. Whenever an accused shall have had a preliminary examination for a criminal offense, or shall have waived the right to such examination, and in either case been held to the grand jury to answer therefor, the county attorney of the proper county may, prior to the empaneling of the next regular grand jury, file in the district court, either in term time or in vacation, an information under oath, charging said accused with the offense for which he has been held to the grand jury, or for any degree or grade thereof, or for any offense included therein.

SEC. 3. "A true information." Such information shall be indorsed, "a true information," which endorsement shall be signed by the county attorney.

SEC. 4. Names of witnesses—minute of evidence. The county attorney shall, at the time of filing such information, indorse or cause to be indorsed thereon the names of the witnesses whose evidence he expects to introduce and use on the trial of the same, and shall also file with such information a minute of the evidence relating to the guilt of the accused of the offense charged of each witness whose name is so indorsed upon the information. Should the county attorney desire to use on the trial witnesses in addition to those whose names are so indorsed, he shall proceed in the same manner as is provided in such cases in trials on indictment.

SEC. 5. Information to be sworn to—approval. Such information shall be sworn to by the county attorney before some judge of the district court, or before the clerk or deputy clerk of said court. The information, before being filed, shall be presented to some judge of the district court of the county having jurisdiction of the offense, which judge shall indorse his approval or disapproval thereon. If the information receive the approval of the judge, the same shall be filed. If not approved, the charge shall be presented to the next grand jury for consideration. At any time after the approval of an information, and prior to the commencement of trial, the court, or any judge thereof, on its own motion may order said information set aside and said cause submitted to the grand jury.

SEC. 6. Copy of information, etc., delivered to accused. The clerk of the district court shall cause a copy of the information and minutes of evidence to be delivered to the accused, or to his attorney, at or prior to the time of arraignment.

SEC. 7. Information filed at instance of private prosecutor—costs. If the information is filed at the instance of a private prosecutor, the county attorney may indorse such fact upon the information and sign such indorsement, and, in such case, the costs may be taxed in the same manner and under the same limitations as in case of indictments.

SEC. 8. May be amended. An information may be amended as provided for indictments in chapter 227, acts of the thirty-third general assembly and may be filed at any time prior to the commencement of the trial, but, should it appear to the court that the accused should have additional time to prepare for trial on account of amendments, a continuance shall be granted

accordingly. Amendments filed during the trial shall be limited to and governed by the provisions for amending indictments during trial.

SEC. 9. **How drawn and construed—statutes applicable.** The information shall be drawn and construed, in matter of substance, as indictments are required to be drawn and construed. All provisions of law applying to prosecutions on indictments and relating to the issuance of warrants, the correction of the name of the accused, the issuing of process, the giving of bail, arraignments, pleadings, trials, change of place of trials, return of verdicts, the taking of exceptions, new trials, arrest of judgments, the entering of judgments and the execution thereof, appeals, except as modified or otherwise provided for in this chapter, and all other proceedings in cases of indictments, whether in the court of original or appellate jurisdiction shall in the same manner and to the same extent, as near as may be, apply to information and all prosecutions and proceedings thereon.

SEC. 10. **Warrant of arrest—bail.** Upon the filing of such information the clerk shall issue a warrant for the arrest of the accused, and the court or any judge thereof shall fix the bail, if bail is allowable, and in vacation or in the absence of the judge in term time, the clerk of the court shall fix such bail, the action of the clerk being reviewable by the court or judge thereof.

SEC. 11. **The word "county attorney", how construed.** Whenever the word county attorney appears in this chapter, the same shall be construed to mean county attorney or the assistant county attorney.

SEC. 12. **Time of commencing prosecutions.** The time in which criminal prosecutions may be commenced by information shall be the same as in cases of prosecutions by indictment, which time shall be computed from the date of the filing of the initial information.

SEC. 13. **Motion to set aside—grounds.** A motion to set aside the information may be made on one or more of the following grounds:

1. When it is not indorsed "a true information," and the indorsement signed by the county attorney.
2. When the minutes of evidence have not been filed with the information.
3. When the names of the witnesses named in such minutes of evidence are not indorsed on the information.
4. When the information has not been verified or filed in the manner herein required.
5. When the accused has not, prior to the filing of the information, been held to the grand jury for the offense charged, or the information has not been approved, as required.

Such motion must be made before a plea is entered by the accused. If not so made, the objection shall be deemed waived. If either of the objections specified in the fifth paragraph above is shown to be true, the court shall sustain said motion. If either of the objections specified in the first four paragraphs above are shown to be true, the court shall sustain said motion, unless the defects are corrected within such time as the court may order. Affidavits and oral and documentary evidence may be received upon the hearing of such motion.

SEC. 14. **Arraignments and pleas.** An accused prosecuted on information may, in vacation, be arraigned by any judge of the district court, and, in vacation, be required to plead to the information before any such judge, but arraignments can be made and pleas required, in vacation, only before such judge sitting in chambers at the usual place of holding court in the county in which the information was filed, or to which the cause may be sent on

change of venue. The proceedings with reference to arraignments and the taking of pleas, in vacation, shall be signed by the judge and filed with the clerk and entered at length in the records of the court with the same force and effect as if made and entered in term time.

SEC. 15. **Judgments on written pleas of guilt.** Judgments may be rendered in vacation on written pleas of guilt of the offense charged, or of any degree or grade thereof, or of any offense included therein, with the same force and effect as though rendered in term time, which written plea of guilt, together with the judge's entry of judgment in reference thereto, shall be forthwith filed with the clerk and entered at length in the records of said court, and after such entry, be executed as in case of judgments on indictments, but judgments in vacation can only be rendered by a judge of the district court sitting in chambers at the usual place of holding court in the county where the information was filed, or to which the cause has been transferred on change of venue.

SEC. 16. **Bail—how construed.** Whenever an accused shall be held to answer to the grand jury for an offense and shall give bail, such bail shall be construed as conditioned to answer to any indictment for said offense returned by the grand jury, to which the accused is legally held to answer, and to any information charging said offense filed by the county attorney.

SEC. 17. **Form of information.** Information shall be, substantially, in the following form:

In the District Court of.....County.

The State of Iowa,
vs.
A.....B..... Information.

Comes now....., as county attorney of.....county, state of Iowa, and in the name and by the authority of the state of Iowa accuses A.....B..... of the crime of (here insert the name of the offense). committed as follows:

The said A.....B....., on or about the.....day of..... A. D.(inserting the year) in the county of....., and state of Iowa, (here insert the acts or omissions constituting the offense.)

.....
County attorney.

State of Iowa, }
.....county. } ss.

I,, being first duly sworn, do depose and say, that I have made full and careful investigation of the facts upon which the above charge is based, and that the allegations contained in the above and foregoing information are true, as I verily believe.

Subscribed and sworn to by.....before me, the undersigned, this.....day of....., A. D.....

.....
(Here insert title of official before whom verification is made.)

Upon the information shall be indorsed the following:
(a) "A true information.
.....
County attorney."

(b) "Names of witnesses:
.....
.....
....."

(c) "On this.....day of....., A. D....., being satisfied from the showing made herein that this cause should (or should not, as the case may be) be prosecuted by information, the same is approved (or disapproved and the charge is ordered submitted to the next grand jury, as the case may be.)

.....
Judge of the district court."

(d) "This information duly filed in the district court, this.....day of....., A. D.....

.....
Clerk of district court of
.....county, state of Iowa.

By.....
Deputy clerk."

(e) "Bail is hereby fixed on the within information in the sum of \$.....

.....
(Here insert official title of
judge or clerk, as case may be.)"

Approved April 4, A. D. 1911.

CHAPTER 189.

BOARD OF PAROLE.

S. F. 325.

AN ACT amending section fifty-seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907, relating to the time of employment and compensation of the members of the board of parole.

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

SECTION 1. **Compensation of members.** Section fifty-seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907 is hereby amended by striking out of line nineteen (19) the following— "not to exceed one thousand (\$1000) dollars each, per annum".

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 27, 1911.

W. C. HAYWARD,
Secretary of State.