

CHAPTER 637

INDETERMINATE SENTENCES AND PAROLES

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637.01 TERM OF SENTENCE. When any person is convicted of any felony or crime committed after the passage of sections 637.01 to 637.13, punishable by imprisonment in the state prison or the state reformatory, except treason or murder in the first or second degree, as defined by law, the court in imposing sentence shall not fix a definite term of imprisonment, but may fix in the sentence the maximum term of such imprisonment, and shall sentence every such person to the state reformatory or to the state prison, as the case may require, and the person sentenced shall be subject to release on parole and to final discharge by the board of parole as hereinafter provided, but imprisonment under such sentence shall not exceed the maximum term fixed by law or by the court, if the court has fixed the maximum term; provided, that if a person be sentenced for two or more such separate offenses sentence shall be pronounced for each offense, and imprisonment thereunder may equal, but shall not exceed, the total of the maximum terms, fixed by law or by the court, if the court has fixed the maximum term for such separate offenses, which total shall, for the purpose of sections 637.01 to 637.13, be construed as one continuous term of imprisonment; and where one is convicted of a felony or crime that is punishable by imprisonment in the state prison or the state reformatory, or by fine or imprisonment in the county jail, or by both, the court may impose the lighter sentence if it shall so elect. The power of the court to fix the maximum term of imprisonment shall extend to indeterminate sentences imposed under sections 610.28 to 610.32.

[1911 c. 298 s. 1; 1917 c. 319 s. 1; 1931 c. 222 s. 1] (10765)

637.02 PAROLE BOARD. A board having power to parole and discharge prisoners confined in the state prison, the state reformatory, or the state reformatory for women is hereby created, to be known and designated as the state board of parole. This board shall be composed of a chairman and two other members, who shall be appointed by the governor, with the advice and consent of the senate, and who, except as hereinafter provided, shall hold office for a term of six years from the first Monday in January next after such appointments are made and until their successors be appointed and have qualified. Not more than two members of the board shall belong to the same political party. In case of a vacancy it shall be filled for the unexpired term in which the vacancy occurs as herein provided for original appointments. The board shall keep a record of all its proceedings and to that end may designate one of its members to act as secretary, or may require the performance of the duties of that office by any parole agent or any other person in its employ.

[1911 c. 298 s. 3; 1913 c. 280 s. 1; 1921 c. 56 s. 1; 1929 c. 23; 1931 c. 161 s. 1] (10766)

637.03 PRESENT LAW NOT CHANGED. The board of parole constituted under the provisions of sections 637.01 to 637.13 shall be deemed a continuation of the board of parole constituted under the provisions of law in force at the time of the passage thereof.

[1913 c. 280 s. 2; 1921 c. 56 s. 2; 1931 c. 161 s. 2] (10767)

637.04 REGISTERS AND RECORDS. The state board of parole shall have a seal, keep a record of all its acts relating to each of the separate penal institutions and the persons confined in, removed and committed thereto or paroled or discharged therefrom, and the chairman of the board shall furnish a copy of the acts of the board of parole in reference to each of the penal institutions to the

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director of public institutions and also to each of the penal institutions of its acts relating to that institution. The state board of parole shall keep a complete record of all persons placed on probation to the board and duly enter discharges and revocations of orders staying sentences of such persons upon its records, and biennially report to the governor regarding all the activities of the board.

[1911 c. 298 s. 4; 1935 c. 110 s. 1] (10768)

637.05 CHAIRMAN OF BOARD; SALARY; COMPENSATION OF MEMBERS.

The salary of the chairman of the state board of parole shall be the sum of \$4,500 per annum, payable as hereinafter provided. Each of the other members of the board shall receive as compensation the sum of \$15.00 per day for each day actually spent in the discharge of his official duties, including the duties of secretary. In addition to the compensation so provided, each of the members of the board shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties. This compensation and these expenses shall be paid out of the revenue fund in the same manner as the salaries and expenses of other state officers are paid. All of the other expenses of the state board of parole shall be audited and allowed by the commissioner of administration and paid out of the funds appropriated for the maintenance of the penal institutions of the state in such proportions as the commissioner of administration shall determine. The board of parole shall furnish such estimates of anticipated expenses and requirements as the commissioner of administration may, from time to time, require.

[1911 c. 298 s. 5; 1931 c. 161 s. 3] (10769)

637.06 POWERS OF BOARD; LIMITATIONS. The state board of parole may parole any person sentenced to confinement in the state prison or the state reformatory, provided that no convict serving a life sentence for murder shall be paroled until he has served 35 years, less the diminution which would have been allowed for good conduct had his sentence been for 35 years, and then only by the unanimous consent, in writing, of the members of the board of pardons. Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the state board of parole, subject at any time to be returned to the state prison, the state reformatory, or the state reformatory for women and the parole rescinded by such board, when the legal custody of such convict shall revert to the warden or superintendent of the institution. The written order of the board of parole, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole or probation to the state board of parole, but any probation or parole agent may, without order or warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee or probationer to the state board of parole and bring such person before the board of parole for its action. Paroled persons, and those on probation to the state board of parole, may be placed within or without the boundaries of the state at the discretion of the board, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the board shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the warden of the state prison or the superintendent of the state reformatory or the state reformatory for women and the production of the records of these institutions, and to compel the attendance of witnesses, and each member of the board is hereby authorized to administer oaths to witnesses for every such purpose.

[1911 c. 298 s. 6; 1931 c. 161 s. 4; 1935 c. 110 s. 2] (10770)

637.07 CREDITS FOR PRISONERS; RELEASE. Each prisoner shall be credited for good prison demeanor, diligence in labor and study and results accomplished, and be charged for derelictions, negligences, and offenses under such uniform system of marks or other methods as shall be prescribed by the board. He shall be informed of his standing under such system each month. When the board shall grant an absolute release it shall certify the fact and the grounds therefor to the governor, who may in his discretion restore the prisoner released to citizenship. No application for such release shall be entertained by the board.

[1911 c. 298 s. 7] (10772)

637.08 DUTY OF BOARD; FINAL DISCHARGE. It shall be the duty of the state board of parole to keep in communication, as far as possible, with all prisoners who are on parole and also with their employers, and when any person upon parole has kept the conditions thereof in such manner and for such period of time as shall satisfy the board that he is reliable and trustworthy, and that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, then the board shall have power in its discretion to grant to such prisoner a final discharge from confinement under any such sentence, and thereupon the board shall issue to such prisoner a certificate of such final discharge, and shall also cause a record of the acts of the prisoner to be made showing the date of his commitment, his record while in prison, the date of his parole, his record while on parole, and its reasons for determining his final discharge, together with any other facts which the board may deem proper, and shall forward such record to the governor, together with the recommendation of the board as to whether such prisoner should be restored to any of the rights and privileges of citizenship, and the governor may in his discretion restore such person so released to any or all of the rights and privileges of citizenship, except in cases where deprivation of any of the rights or privileges of citizenship is specifically made a part of the penalty for the offense for which such person shall have been committed. Nothing in sections 637.01 to 637.13 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

[1911 c. 298 s. 8] (10773)

637.09 PERSONS SENTENCED PRIOR TO PAROLE LAW. All persons convicted and sentenced to imprisonment in the state prison or in the reformatory prior to the year 1912 shall have the same right of parole and discharge as those convicted since that year, and all the powers, duties, and functions conferred by law upon and exercised by the board of parole with reference to the custody and control of any person convicted of a crime committed subsequent to April 20, 1911, and paroled under the provisions of sections 637.01 to 637.13 shall extend to and be applicable to any such person when paroled.

[1911 c. 298 s. 9; 1917 c. 262 s. 1] (10774)

637.10 SUPERVISION BY BOARD; AGENTS. The board of parole, as far as possible, shall exercise supervision over paroled and discharged convicts and, when deemed necessary for that purpose, may appoint state agents, fix their salaries and allow them traveling expenses. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf of or in the supervision of prisoners paroled or discharged from the state prison, the state reformatory, or other public prison in the state, including assistance in obtaining employment and the return of paroled prisoners, and in addition thereto shall, when so directed by the director of social welfare, investigate the circumstances and conditions of the dependents of prisoners of the state penal institutions, and report his findings and recommendations to the warden and superintendent of the respective institutions and to the director of social welfare. Such agents and such persons shall hold office at the will of the board of parole and the persons so appointed shall be paid reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed.

[1911 c. 298 s. 10; 1931 c. 161 s. 5] (10775)

637.11 DUTY OF COUNTY ATTORNEY. It shall be the duty of the county attorney, upon the conviction of any person to the state prison or the reformatory, to furnish to the warden or the superintendent thereof, as the case may be, all information and data in his possession relating to the history and character of every such person so convicted, and a brief synopsis of all information in his possession relating to the commission of the crime of which such person is convicted.

[1911 c. 298 s. 11] (10776)

637.12 RULES GOVERNING PAROLES. The state board of parole shall have power, from time to time, to make, alter, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditions of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties con-

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ferred upon the board by sections 637.01 to 637.13 as to its agents and employees as the board may deem proper.

[1911 c. 298 s. 12] (10777)

637.13 ACTS REPEALED; CONDITIONS. All acts and parts of acts in conflict herewith are hereby repealed; provided, that the repeal thereof shall not in any manner affect the parole, release, discharge, custody, retaking or reconfinement of any prisoner now or heretofore confined, paroled, or subject to be retaken or reimprisoned.

[1911 c. 298 s. 13] (10778)

637.14 THREE-DAY PAROLE; GUARD. The state board of parole is hereby authorized and empowered to grant to any prisoner in the state prison, state reformatory, or state reformatory for women, a temporary parole, under guard, not exceeding three days, to any point within the state, upon payment of the expenses of such prisoner and guard.

[1929 c. 70] (10770-1)

637.15 FEMALE PRISONERS; PREGNANT. When it shall be made to appear by the properly verified petition of any woman, who has been sentenced to imprisonment in a penal institution in this state and is in prison thereunder, that she is about to give birth to a child, the director of social welfare, if satisfied of the truth of the petition, shall order the transfer of such woman to a public hospital to be designated in his order, there to be detained under such guard and under such rules and regulations as the director shall make in the order of transfer until the birth of the child and the recovery of the mother to such an extent that the imprisonment may be resumed without danger of serious impairment of her health.

The director of social welfare shall adopt such proper rules and regulations as may be necessary to carry out the purposes of this section.

[1923 c. 165 s. 1] (10771)

637.16 RECIPROCAL. The governor is hereby authorized and empowered to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole or probation.

[1935 c. 257] (10778-1)