

CHAPTER 637

INDETERMINATE SENTENCES AND PAROLES

637.01 TERM OF SENTENCE.

HISTORY. 1911 c. 298 s. 1; G.S. 1913 s. 9267; 1917 c. 319 s. 1; G.S. 1923 s. 10765; M.S. 1927 s. 10765; 1931 c. 222 s. 1; M. Supp. s. 10765.

Under the statute authorizing the court to sentence to a reformatory any person not less than 16 nor more than 30 years of age, and who has been convicted of a crime punishable by imprisonment in the state prison, the fact that a judgment of conviction of such a crime fails to state the age of the defendant does not render it subject to attack on habeas corpus. *State ex rel v Wolfer*, 119 M 368, 138 NW 315.

If the sentence exceeds the penalty which the court had power to impose, it is void as to the excess; but the defendant cannot be discharged on habeas corpus until he has performed the part which the court had power to impose if it be severable from the unlawful part. *State ex rel v Reed*, 138 M 465, 163 NW 984.

The sentence is construed to mean a maximum and not a minimum term of two years. *State ex rel v Reed*, 146 M 149, 177 NW 1021.

If the sentence is improper, and in disregard of General Statutes 1913, Section 9267 (section 637.01), it may be amended upon application to the trial court. *State v O'Connor*, 154 M 46, 191 NW 50.

Where a person while serving a sentence in the county jail is duly committed to a state hospital for the insane and there confined, the time runs on his sentence while so confined in the latter institution. *State ex rel v Jorgenson*, 176 M 572, 224 NW 156.

The trial court may fix the maximum term of imprisonment though the defendant was convicted for a subsequent offense which under section 610.28 warrants a greater penalty than for a first offense. *State ex rel v Sullivan*, 179 M 532, 229 NW 787.

Although the statute fixes a term of life imprisonment as the penalty for bank robbery, the 40-year penalty fixed by the trial court, is under the holding in *State v Sullivan*, 179 M 532, 229 NW 787, a valid sentence. 1934 OAG 677, Nov. 25, 1933 (341k-5).

This section applies where the prisoner is convicted of a subsequent crime while on parole. OAG April 19, 1937 (341k-10).

Where the judge orders a stay of sentence, and orders the offender into the care of the Women's Detention Home, the time spent there must be considered in computing the length of sentence for parole purposes. OAG Aug. 23, 1944.

637.02 PAROLE BOARD.

HISTORY. 1911 c. 298 s. 3; 1913 c. 280 s. 1; G.S. 1913 s. 9269; 1921 c. 56 s. 1; G.S. 1923 s. 10766; M.S. 1927 s. 10766; 1929 c. 23; 1931 c. 161 s. 1; M. Supp. s. 10766.

637.03 PRESENT LAW NOT CHANGED.

HISTORY. 1913 c. 280 s. 2; G.S. 1913 s. 9270; 1921 c. 56 s. 2; G.S. 1923 s. 10767; M.S. 1927 s. 10767; 1931 c. 161 s. 2; M. Supp. s. 10767.

637.04 REGISTERS AND RECORDS.

HISTORY. 1887 c. 268 s. 14; 1893 c. 9 s. 4; G.S. 1894 s. 7510; 1901 c. 232; R.L. 1905 s. 5452; 1911 c. 298 s. 4; G.S. 1913 s. 9271; G.S. 1923 s. 10768; M.S. 1927 s. 10768; 1935 c. 110 s. 1; M. Supp. s. 10768.

MINNESOTA STATUTES 1945 ANNOTATIONS

637.05 INDETERMINATE SENTENCES AND PAROLES

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637.05 CHAIRMAN OF BOARD; SALARY; COMPENSATION OF MEMBERS.

HISTORY. 1911 c. 298 s. 5; G.S. 1913 s. 9272; G.S. 1923 s. 10769; M.S. 1927 s. 10769; 1931 c. 161 s. 3; M. Supp. s. 10769.

637.06 POWERS OF BOARD; LIMITATIONS.

HISTORY. 1911 c. 298 s. 6; G.S. 1913 s. 9273; G.S. 1923 s. 10770; M.S. 1927 s. 10770; 1931 c. 161 s. 4; 1935 c. 110 s. 2; M. Supp. s. 10770.

The board of parole may grant a conditional discharge, and, if the condition fails, the discharge is inoperative. A discharge on condition the prisoner is taken into custody by the authorities of another state becomes void on the authorities declining to take him into custody. The board may order return of the paroled prisoner without a hearing. State ex rel v Crepeau, 150 M 80, 184 NW 567.

The state is not bound to pay the medical and hospital expense of one on medical reprieve. OAG Dec. 21, 1936 (341j).

Youth correction act. 28 MLR 332.

637.07 CREDITS FOR PRISONERS; RELEASE.

HISTORY. 1911 c. 298 s. 7; G.S. 1913 s. 9274; G.S. 1923 s. 10772; M.S. 1927 s. 10772; 1945 c. 259 s. 1.

637.08 DUTY OF BOARD; FINAL DISCHARGE.

HISTORY. 1911 c. 298 s. 8; G.S. 1913 s. 9275; G.S. 1923 s. 10773; M.S. 1927 s. 10773.

637.09 PERSONS SENTENCED PRIOR TO PAROLE LAW.

HISTORY. 1911 c. 298 s. 9; G.S. 1913 s. 9276; 1917 c. 262 s. 1; G.S. 1923 s. 10774; M.S. 1927 s. 10774.

637.10 SUPERVISION BY BOARD; AGENTS.

HISTORY. 1911 c. 298 s. 10; G.S. 1913 s. 9277; G.S. 1923 s. 10775; M.S. 1927 s. 10775; 1931 c. 161 s. 5; M. Supp. s. 10775; 1945 c. 258 s. 1.

637.11 DUTY OF COUNTY ATTORNEY.

HISTORY. 1911 c. 298 s. 11; G.S. 1913 s. 9278; G.S. 1923 s. 10776; M.S. 1927 s. 10776.

637.12 RULES GOVERNING PAROLES.

HISTORY. 1911 c. 298 s. 12; G.S. 1913 s. 9279; G.S. 1923 s. 10777; M.S. 1927 s. 10777.

637.13 ACTS REPEALED; CONDITIONS.

HISTORY. 1911 c. 298 s. 13; G.S. 1913 s. 9280; G.S. 1923 s. 10778; M.S. 1927 s. 10778.

637.14 THREE-DAY PAROLE; GUARD.

HISTORY. 1929 c. 70; M. Supp. s. 10770-1.

637.15 FEMALE PRISONERS; PREGNANT.

HISTORY. 1923 c. 165 s. 1; G.S. 1923 s. 10771; M.S. 1927 s. 10771.

637.16 RECIPROCAL.

HISTORY. 1935 c. 257; M. Supp. s. 10778-1.
Reciprocal and retaliatory legislation. 21 MLR 371.