

Rehabilitation

CHAPTER 636

JUVENILE OFFENDERS

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NOTE: For definitions and general provisions, see Chapter 610.

636.01 PROBATION OFFICERS IN COUNTIES HAVING OVER 50,000 INHABITANTS. In every county of more than 50,000 inhabitants, a probation officer shall be appointed by the district judges of such county, and in every such county where two or more juvenile courts have been established and the places of holding the regular sessions thereof are more than 50 miles distant from each other, there shall be appointed by such judges two probation officers. Each probation officer may appoint one or more deputies subject to the approval of such judges. Each shall serve four years unless sooner removed by the judges for cause. The county commissioners of such county shall provide the probation officers and deputies suitably furnished office rooms, record books, blanks, stationery, postage, and other actual expenses required for the proper execution of the purpose of sections 636.01, 636.03, 636.06, to be defrayed out of any moneys in the general fund of their counties not otherwise appropriated, upon bills duly authorized and allowed in the usual manner by the commissioners.

[R. L. s. 5496; 1905 c. 321 s. 1; 1907 c. 342; 1913 c. 205 s. 1; 1913 c. 339 s. 1] (10909)

636.02 STAY OF SENTENCE. When any person under the age of 21 years shall be found guilty of the violation of any law, ordinance, or regulation, or of incorrigibility or vagrancy, in any court of record in any county having a population of more than 50,000, the judge, after sentence, may stay its execution for such period as he may deem best, conditioned upon the good behavior of such person; and he may commit him during such stay to the care of the probation officer, or return him to the custody of his natural guardian, subject to the supervision of such officer, under prescribed conditions.

[R. L. s. 5499] (10912)

636.03 DUTIES; CONTINGENT FUND. Such chief probation officer or one of his deputies shall be present in the municipal courts in his county, and in the district court when any person under 21 years of age is brought into either court for trial for any offense, and in the probate court when so requested by the judge of such court. All persons sentenced by any of those courts to a term or terms of probation shall be committed to the care of the chief probation officer or to such other person as the court may designate. He shall supervise and be responsible for the conveyance of all children committed by the juvenile court to the state public school for dependent children and when so directed by the court to the state training school or to such other institution as the court may designate, without compensation, except transportation and expenses actually incurred. A contingent fund of not to exceed \$1,000 per annum for the payment of such transportation and incidental expenses incurred for the temporary care of such children and for

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returning to the court children who left the jurisdiction of the court without permission shall be set aside in the treasury of such county to be paid out only upon order of the court upon proper vouchers attached thereto.

[*R. L. s. 5497; 1905 c. 321 s. 2; 1907 c. 342; 1909 c. 426; 1913 c. 205 s. 2*] (10910)

636.04 DUTY OF PROBATION OFFICER. The probation officer shall represent the interests of such minor in court, and investigate his case under the direction of the judge thereof. He shall inquire into the nature of every juvenile criminal case in any court where he is authorized to appear, may recommend that any such person convicted by the court be placed under probation, have oversight of such minor during any continuance or suspension of sentence, and, in general, perform such acts with reference to him as the judgment of the court may direct. He shall not be an active member of the regular police force, but in the execution of his official duties shall have all the power of a police officer. Every such officer who shall refuse or neglect to perform any duty required of him by law shall forfeit to the state \$200.

[*R. L. s. 5498*] (10911)

636.05 REPORT OF PROBATION OFFICER. Every such probation officer shall report in writing to the court, as often as required by the court so to do, with reference to the condition, disposition, and other pertinent facts relative to such children, and shall furnish a copy of the report to the commissioner of public welfare when requested by him.

[*R L s 5500; 1907 c 342; 1913 c 205 s 3; 1953 c 593 s 2*] (10913)

636.06 SALARIES. In counties having a population of more than 50,000, and less than 100,000, the probation officer shall receive as full compensation for his services \$600 per annum; in counties having a population of 100,000, and less than 150,000, he shall receive \$1,500 per annum, and each deputy \$720, and in counties having a population of more than 150,000, and less than 220,000, each probation officer shall receive \$2,400 per annum, and each deputy such sum as shall be fixed by the judges of the district court; and in counties having a population of not less than 225,000, nor more than 300,000, the chief probation officer shall receive \$2,400 per annum, the assistant probation officer shall receive \$1,860 per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive \$1,440 each per annum, and all other deputy probation officers who have served as such probation officers for more than one year shall receive \$1,060 each per annum, and all other deputy probation officers shall receive \$1,000 each per annum.

In counties having more than 300,000 inhabitants, and where there is a separate municipal court probation officer, the chief probation officer shall receive the same compensation as is now allowed by law, which salaries shall be paid by the county treasurer, in equal monthly instalments, upon certificates issued by the clerk of the district court.

[*R. L. s. 5501; 1905 c. 321 s. 3; 1907 c. 342; 1913 c. 205 s. 4; 1919 c. 350 s. 1; 1921 c. 336 s. 13*] (10914)

636.07 CARE AND CUSTODY OF MINORS. Every sheriff or other person having charge of a minor under the age of 18 years, chargeable with any crime, shall provide a separate place of confinement for him, and under no circumstances place him with grown-up prisoners. Every minor while in confinement shall be provided with good reading matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him.

[*R L s 5502; 1917 c 265 s 1; 1959 c 685 s 52*] (10916)

636.08 TRIAL OF MINORS. At the hearing or trial of a minor under the age of 18, charged with any crime, the trial judge or magistrate, prior to his being brought into the court room, shall clear the same of all persons except officers of the court, including attorneys, witnesses, relatives, and friends.

[*R. L. s. 5503; 1917 c. 265 c. 2*] (10917)

636.09 PROBATION OFFICER IN RAMSEY COUNTY. In every county having more than 300,000 and less than 450,000 inhabitants and constituting a single judicial district there shall be appointed by the judges of such district a probation officer, who shall serve for four years unless sooner removed by said judges.

[*1923 c 289 s 1; 1949 c 61 s 1*] (10915-1)

636.10 ASSISTANTS AND EMPLOYEES; RAMSEY COUNTY. The probation officer may appoint such deputies, assistants, and employees as are approved by such judges, who may be removed by the probation officer upon 30 days' notice, with the consent of the judges.

[1923 c. 289 s. 2] (10915-2)

636.11 OFFICE ROOM AND RECORDS; RAMSEY COUNTY. The county commissioners of such county shall provide the probation officer and deputies with suitable furnished office rooms, record books, stationery, postage, expenses of investigation and visitation ordered by the court, and such other actual expenses as are required for the proper execution of the purposes of sections 636.09 to 636.22, to be paid upon vouchers approved by one of the judges of such court.

[1923 c. 289 s. 3] (10915-3)

636.12 OFFICIAL ATTENDANCE AT COURT. The probation officer or one of his deputies shall be present in the municipal court of such county and in the juvenile court thereof at each regular session, and shall be present in the district court and the probate court of the county when so requested by a judge of such court.

[1923 c. 289 s. 4] (10915-4)

636.13 COMMITMENTS CARE PROBATION OFFICER. All persons sentenced to a term or terms of probation or during continuance of all cases shall be committed to the care of the probation officer unless some other person is designated by the court.

[1923 c. 289 s. 5] (10915-5)

636.14 INVESTIGATIONS AND REPORTS. The probation officer shall make such investigations with regard to any child or person as may be required by the court before, during, or after the trial or hearing of such child or person, and shall furnish to the court such information and assistance as may be requested.

[1923 c. 289 s. 6] (10915-6)

636.15 TRANSPORTATION CHARGEABLE TO RAMSEY COUNTY. The probation officer shall supervise and be responsible for the conveyance of all children committed by the juvenile court to the state public school for dependent children and, when so directed by the court, to the state training school or to such other institutions as the court may designate, and the transportation and expenses actually incurred shall be paid by the county.

[1923 c. 289 s. 7] (10915-7)

636.16 CONTINGENT FUND, EXPENSES. The county board in each of said counties shall provide annually a contingent fund for the payment of transportation and incidental expenses incurred by its probation officer and his deputies to be paid out only upon the order of the court upon proper vouchers. Such probation officer and deputies may be reimbursed for actual mileage traveled when using their own automobiles in the performance of their duties which shall be paid to them only out of the above fund.

[1923 c 289 s 8; 1939 c 362 s 1; 1949 c 181 s 1; 1951 c 182 s 1; 1955 c 70 s 1] (10915-8)

636.17 COURT ORDER, SERVICE OF COURT. The probation officer shall represent the interest of probationers in court and investigate the cases under direction of the judge thereof. He shall inquire into the nature of every juvenile delinquent or criminal case in any court where he is authorized to appear and have oversight of such person during any continuance or suspension of sentence or order of commitment, and, in general, perform such acts with reference thereto as the court may direct. In the execution of his official duties he shall have all the power of a peace officer.

[1923 c. 289 s. 9] (10915-9)

636.18 RECEIPT AND DISBURSEMENT OF MONEYS. The probation officer shall receive and disburse such moneys as may be directed by any of such courts to be paid to him for the purposes for which they are ordered to be paid, and shall make an annual accounting thereof. Such bonds shall be given by the probation officer, his deputies, and employees as may be required by the judges of the district court, and the cost thereof shall be paid by the county board upon approval of a judge of such court.

[1923 c. 289 s. 10] (10915-10)

636.19 ANNUAL REPORT. The probation officer shall report, annually, to the court with reference to the conditions and disposition and other pertinent facts relative to the probationers, and shall furnish a copy of such report to the commissioner of public welfare.

[1923 c 289 s 11; 1953 c 593 s 2] (10915-11)

636.20 SALARIES; RAMSEY COUNTY. The chief probation officer shall receive \$3,200 per annum; the assistant probation officer shall receive \$2,000, and after serving five years shall receive \$2,200, per annum; the assistant probation officer in charge of girls' cases shall receive \$2,000 per annum, and after such person has served more than five years such salary shall be \$2,200 per annum. All other deputy probation officers who have served as such probation officers for more than three years shall receive \$1,800 per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive \$1,600 per annum, and all other deputy probation officers who have served as such probation officers for more than one year shall receive \$1,300 per annum, and all other such deputy probation officers shall receive \$1,200 per annum, and all stenographers who have served for more than two years shall receive \$1,200 per annum, and all other stenographers shall receive \$1,000 per annum, and all clerks shall receive \$900 per annum.

[1923 c 289 s 12; 1927 c 420 s 3; 1929 c 380; 1931 c 257; 1935 c 190; 1939 c 362 s 2] (10915-12)

636.21 SALARIES PAYABLE OUT OF RAMSEY COUNTY TREASURY. All annual salaries mentioned in sections 636.09 to 636.22 shall be payable out of the county treasury in equal monthly instalments.

[1923 c. 289 s. 13] (10915-13)

636.22 DETERMINATION OF CLASSIFICATION OF COUNTIES. For the purpose of determining what counties in the state come under the classification contained in sections 636.09 to 636.22, reference shall be made to the last completed state or national census.

[1923 c. 289 s. 14] (10915-14)

636.23 PROBATION OFFICER AND DEPUTIES IN ST. LOUIS COUNTY; SALARIES. In any county of this state now or hereafter having a population of over 150,000, and an area of more than 5,000 square miles, the judges of the district court of the judicial district in which such county is located shall fix the amount of salaries to be paid probation officers of such court and their deputies.

[1927 c. 126 s. 1] (10915-15)

636.24 INDUSTRIAL HOME SCHOOL FOR GIRLS IN ST. LOUIS COUNTY. The board of county commissioners of any county in this state which now has or may hereafter have a population of over 150,000, and less than 220,000, and an area of over 5,000 square miles, shall have the power to establish and maintain thereon an industrial home school for the confinement and care therein of any and all girls and women convicted of any violation of the laws of this state or of any city or village ordinance, who could be sentenced as punishment therefor to any prison, jail, or lockup.

The board of industrial home directors, at any time before July first of each year, is authorized to determine the amount necessary to carry on such institution during the ensuing year and to file a duly certified copy of its resolution, fixing such amount, with the board of county commissioners of the county, and the board of county commissioners shall include such amount, or the amount to which the same shall be reduced by the county board, in the annual tax levy made by the county board, an amount that would be raised by a tax levy of not to exceed one-twentieth of a mill upon each dollar of such taxable property within such county, which sums so raised may be used by the board of industrial home directors for the maintenance of such industrial home school. The board of industrial home directors shall have the power, in the name of St. Louis county, to lease, or to acquire by gift, purchase, or condemnation land and suitable buildings for and maintain thereon an industrial home school for the confinement and training or education therein in all branches of domestic science, the girls or women who become inmates thereof under the provisions of sections 636.24 to 636.31.

All expenses incurred in establishing and maintaining the home school shall be paid on duly itemized and verified bills filed with and audited and allowed by the board of county commissioners of such county when properly approved by the

matron of the home school, except the salary of the matron and assistant matrons, who shall be paid in the same manner that other officers and employees of the county are paid.

[1919 c. 153 s. 1; 1921 c. 70 s. 2] (10917-1)

636.25 BOARD OF DIRECTORS. The board of county commissioners of any such county, when it shall determine to establish and maintain such home school, or shall have heretofore established such home school under the provisions of sections 636.24 to 636.31, shall appoint a board consisting of five members, electors of such county, which board shall include the members of any existing board under those sections. The members of any board appointed under the terms of those sections shall be chosen with reference to their special fitness for such office. All appointments to this board shall be ratified by the order of a majority of the judges of the district court of the judicial district in which the home school is located, before the same shall be in force and effect as an appointment. The board shall be known as the board of industrial home directors.

The members of the board shall serve without compensation or financial benefit, but they shall be entitled to reimbursements for all actual and reasonable expenses in connection with their official duties, an itemized and verified statement of which expenses shall be filed with and audited and allowed by such county board.

The terms of the members of the first board of industrial home directors hereunder shall expire as follows: One on the first Monday of January of the first year hereafter; two on the first Monday in January of the second year hereafter; and two on the first Monday in January of the third year after their appointment hereafter. Upon expiration of such terms their successors shall be appointed in like manner for three years each.

All vacancies on the board shall be filled by like appointment for the unexpired terms.

Annually, on the first Monday in January, the board shall elect from its number a chairman, a vice-chairman, and a secretary, to serve for one year and until their successors qualify. The members of the board shall qualify by subscribing to and taking the usual oath of office.

[1919 c. 153 s. 2; 1921 c. 70 s. 3] (10917-2)

636.26 CONTROL OF SCHOOL BY BOARD OF DIRECTORS; MATRON. The home school for girls shall not be correlated with any other county institution, nor be located on land which is part of the county work farm or county poor farm of any such county. The board of industrial home directors shall have full charge and control of the industrial home school, the selection of a building site, and the acquiring thereof by purchase, gift, or condemnation; and the erection of all buildings and the making of all improvements thereon; and shall have charge of furnishing the same with proper furniture and equipment. The board of industrial home directors shall appoint and employ a matron and as many assistant matrons as may be required, and other necessary help, and prescribe their duties and fix their compensation subject to approval thereof by the county board as to the number and compensation of such persons, and shall require to be taught in the school domestic science in all its branches, and direct the establishment and maintenance of a careful curriculum for regular classes and study in relation thereto, and direct the matron to cause all girls and women confined therein to be employed at domestic labor and study as far as practicable.

[1919 c. 153 s. 3; 1921 c. 70 s. 4] (10917-3)

636.27 RULES AND REGULATIONS; INMATES MAY WORK OUT; MATRON OR ASSISTANTS; PROBATION OFFICERS. The board of industrial home directors shall adopt such rules and regulations and enforce such discipline for the management and operation of the industrial home school as may be deemed necessary, and have power to adopt rules and regulations under which the inmates may be allowed to work out by the day, when such inmates shall be sufficiently educated in domestic science to be qualified for such work.

The written order of the matron or assistant matron shall be sufficient authority and warrant for any officer or constable or parole officer of this state to execute such order, and arrest and return to the custody of the industrial home any inmate that may have escaped or broken her parole, and it is hereby made the duty of any such sheriff, constable, or police officer to execute any such order in the same manner as any other criminal process of this state is executed.

The matron and assistant matrons of the industrial home school shall be vested with the duties of probation officers of the district court and such court shall have authority to appoint or designate one or more other persons of good character to serve as probation officers during the pleasure of the court without compensation.

[1919 c. 153 s. 4] (10917-4)

636.28 ADMISSION TO HOME SCHOOL. Any girl or woman who may be a resident of any county to which sections 636.24 to 636.31 apply and who evinces a desire to be free from undesirable associations and to lead a better life shall, upon her personal request or the request of her parent or guardian and upon the recommendation of the matron, be admitted, upon the order of the juvenile court of such county, to such industrial home school and be subject to the rules and regulations thereof and be entitled to its protection and privileges for a period of not exceeding ten days; provided, such applicant may remain in the school for such further time as may be determined by the matron, subject to the control of the board of directors, and when circumstances render it possible shall pay such reasonable charges as may be required by the board of industrial home directors.

[1919 c. 153 s. 5] (10917-5)

636.29 COMMITMENTS TO HOME SCHOOL BY JUVENILE COURT. The juvenile court of any such county may commit to the industrial home school, for a period of not more than one year, any girl duly adjudged by such court to be dependent, neglected, or delinquent, and any such girl may be released therefrom at any time upon order of such court, and if it appear to the satisfaction of the court that any girl so committed is of a vicious or incorrigible character and not proper to be an inmate therein, then such court may commit such person to any state or other institution authorized by law to receive her.

[1919 c. 153 s. 6] (10917-6)

636.30 COMMITMENT BY COURT. The district court and any municipal court or justice of the peace in such county may commit or parole into such industrial home school any girl or woman duly convicted by such court of any violation of the laws of this state or of any city or village ordinance and who could by such court be sentenced as punishment therefor to be confined in any prison, jail, or village lockup.

Any girl or woman who at any time shall have been committed to the county jail of such county may, during the time of her confinement therein, by order of the court making such commitment, be transferred from such jail and committed to such industrial home school for such time as to such court shall seem proper, not exceeding the unexpired term of her sentence.

If any girl or woman committed or paroled into such industrial home school is found to be vicious or incorrigible, and not amenable to the regulations of the industrial home school, she may be recommitted to the county jail of such county by the court from which the girl or woman was committed.

[1919 c. 153 s. 7] (10917-7)

636.31 PLACE OF DETENTION. The industrial home school shall be a place of detention; and the district, juvenile, and municipal courts and any justice of the peace of the county may commit to, parole to, or place in the school for temporary detention, any female coming within the respective jurisdictions of such courts, and any female who is committed to or placed therein may be released therefrom by order of such courts, respectively.

[1919 c. 153 s. 8] (10917-8)