

2. The Board of Experts unanimously approve and endorse said recommendation.

3. The friends of such person have furnished satisfactory evidence to the Board of Experts, in writing, that employment has been secured for him with some responsible citizen and certified to be such by the judge of the county or district court of the county where such citizen resides.

4. The Board of Experts is convinced that he will conform to rules and regulations adopted by said board.

§ 3. All Acts or part of Acts in so far as they conflict herewith are hereby repealed.

Approved, March 4, 1915.

PENITENTIARY

CHAPTER 190.

[S. B. No. 310—Sub-Committee Appointed from the Committees on Judiciary and State Affairs.]

EMPLOYMENT OF INMATES OF PENITENTIARY.

AN ACT to Amend Sections 11270 and 11273 of the Compiled Laws of North Dakota, for 1913, Relating to the Employment of the Inmates of the Penitentiary, and the Sale of Its Products, Under the Direction of the Board of Control and Disposition of the Receipts of the Brickyard.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 11270 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11270. EMPLOYMENT OF INMATES OF THE PENITENTIARY.] The State Board of Control is hereby authorized and empowered to employ the labor of the prisoners of the State Penitentiary, or so much thereof as not otherwise employed, in the manufacture of brick, which may be sold at a price fixed by said State Board of Control, to make needed repairs, additions or improvements to the public buildings of the state, or in the event that there is a surplus of brick on hand over and above the brick needed for the aforesaid purpose, the State Board of Control may dispose of said brick to private parties.

§ 2. AMENDMENT.] That Section 11273 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11273. SALE OF PRODUCTS. BOARD OF CONTROL. USE OF RECEIPTS.] The receipts of such sales shall be deposited with the

State Treasurer, to the credit of the brickyard fund, and so much thereof as is necessary, may be used under proper voucher, approved by the State Board of Control, in payment of the expenses incurred in connection with the manufacture of brick and the necessary repairs, upkeep, purchase of machinery and other requirements of the brickyard. The receipts of the brickyard over and above the necessary expense in maintaining the same shall be deposited with the State Treasurer, to the credit of the miscellaneous earnings of the Penitentiary and shall be used under the discretion of the State Board of Control to augment any of the funds of the Penitentiary. It shall be the duty of the Warden to keep an accurate account of all labor and cost of materials, supplies, equipment and machinery used in the manufacture of brick, which shall be charged directly to the brickyard fund.

Approved, March 4, 1915.

CHAPTER 191.

[S. B. No. 308—Sub-Committee, Appointed from the Committees on Judiciary and State Affairs.]

PAY OF CONVICTS.

AN ACT to Amend Sections 11261, 11262, 11263, 11264, 11265, 11266, 11267, 11268 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Employment, Care, Treatment and Compensation of Prisoners Confined in the State Penitentiary, and to Repeal Section 11269 of said Compiled Laws.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11261 of the Compiled Laws of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11261. EMPLOYMENT OF CONVICTS CONFINED IN THE STATE PENITENTIARY.] The State Board of Control of the penal and charitable institutions, and the Warden of the State Penitentiary, shall employ all prisoners sentenced to the State Penitentiary in all necessary work within and around the Penitentiary in maintaining the institution, or in carrying on the work of the industries established at the Penitentiary, or at other state institutions or on the public highways of the state. The State Board of Control shall establish rules and regulations relating to care, treatment and management of all prisoners wherever they may be employed. Prisoners shall be employed, in so far as practicable, on the work to which they are best adapted, and will make it possible for them to improve and acquire greater skill that they may earn a livelihood when paroled or discharged from the institution.

§ 2. AMENDMENT.] That Section 11262 of the Compiled Laws

of the State of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11262. EMPLOYMENT OF PRISONERS AT OTHER STATE INSTITUTIONS AND BY COUNTIES ON THE PUBLIC ROADS.] The State Board of Control may employ such prisoners it may deem advisable, who are not needed in carrying on the work at the Penitentiary, or the industries established at the Penitentiary, upon work at other state institutions, or upon the construction and improvement of public highways, under the following conditions, as hereinafter set forth. Prisoners may be employed, under proper supervisors and guards, to improve the grounds and perform other labor at the various institutions, controlled and maintained by the state, and when so employed, such institution shall pay all salaries and necessary expense of maintenance, including cost of transportation to and from the Penitentiary, and furnish the necessary tools and equipment required in carrying on said work. Prisoners may be employed upon the public highways of any county, when an agreement has been entered into by the State Board of Control, and the Board of County Commissioners of such county and upon the same conditions as the employment of prisoners at state institutions. Prisoners shall be at all times under the supervision of the Warden, and the State Board of Control, and under the direct charge of proper officers and guards appointed by them. Prisoners so employed shall be placed upon their honor not to attempt to escape. They shall be clothed in plain, inconspicuous garb, and shall not be compelled to work more than ten hours in any one day.

§ 3. AMENDMENT.] That Section 11263 of the Compiled Laws of North Dakota is hereby amended to read as follows:

§ 11263. TOOLS AND EQUIPMENT.] The Warden, under the direction of the State Board of Control, shall procure the necessary machinery, tools, and equipment to properly carry on and conduct the work and industries of the Penitentiary.

§ 4. AMENDMENT.] That Section 11264 of the Compiled Laws of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11264. COMPENSATION.] Prisoners engaged in carrying on the work of the Penitentiary, and industries established thereat, or at other state institutions, or upon public highways, shall receive not less than ten cents nor more than twenty-five cents per day for work actually performed, the maximum compensation to be determined by the State Board of Control. The Warden shall assign a reasonable daily task to be performed by each prisoner, and the compensation of the prisoner shall be determined by the amount of work he performs on such task. All prisoners, faithfully performing the daily task assigned, shall receive the maximum compensation determined by the State Board of Control, and whenever it becomes necessary in carrying on the work at the Peniten-

tiary or otherwise above mentioned, for a prisoner to labor in excess of ten hours per day, he shall receive such additional compensation as allowed by the State Board of Control, not to exceed ten cents per hour. The compensation of all prisoners working at the Penitentiary or the industries carried on thereat, shall be paid out of such funds of the Penitentiary or the funds of the industries carried on at the Penitentiary as the State Board of Control shall designate.

§ 5. AMENDMENT.] That Section 11265 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11265. DISPOSITION OF MONEYS EARNED.] The Warden of the State Penitentiary shall keep an inmates account ledger in which shall be opened an account with each inmate and the earnings of each inmate to whom money is paid, shall be distributed monthly as herein provided in the temporary aid account, the prisoners' general benefit fund, and the personal account of each prisoner and the defendant relative account of such prisoners as have relatives dependent upon them for support, and the Warden shall furthermore keep an accurate account [of] for all moneys deposited from any source whatsoever to the inmates personal account and also an account of the inmates general benefit fund, showing in each case all receipts and expenditures. The earnings paid to all prisoners having dependent relatives shall be distributed as follows: There shall be mailed monthly to the dependent relative of each prisoner, upon request, fifty per cent. of his gross earnings and five per cent. of each prisoner's gross earnings shall be deposited monthly to the credit of the prisoners' general benefit fund, and five per cent. to be placed to the credit of his personal account. The remaining forty per cent. of the prisoner's gross earnings shall be deposited monthly to the credit of his temporary aid account, until he shall have accumulated the sum of fifty (\$50.00) dollars to his credit, or such portion thereof as he shall have earned at the expiration of his sentence which sum shall be paid him in full upon his final discharge. All moneys earned by a prisoner having a relative dependent upon him for support, after he has accumulated the sum of fifty (\$50.00) dollars to his credit in the temporary aid account shall be apportioned as follows: There shall be mailed monthly to said dependent relative of each prisoner upon request, seventy-five per cent. of the gross earnings of said prisoner, and ten per cent. deposited to the credit of the prisoners' general benefit fund and the remaining fifteen per cent. placed to the credit of his personal account. The gross earnings paid to all prisoners not having relatives dependent upon them for support, shall be distributed as follows: Five per cent. of the moneys earned by each prisoner shall be placed to the credit of the prisoner's personal account and five per cent. of the money earned by each prisoner shall be placed to the credit of the prisoners' general benefit fund, and the remainder placed to the credit of

the temporary aid account of each prisoner until he shall have accumulated the sum of fifty (\$50.00) dollars, to his credit or such portion thereof as he shall have earned at the expiration of his sentence, which sum shall be paid him in full upon his final discharge. The gross earnings of a prisoner having no relatives dependent upon him for support, after accumulating the aforesaid fifty (\$50.00) dollars, shall be distributed equally, one-half to be placed to the credit of his personal account and the other half to the credit of the prisoners' general benefit fund which fund provides for the maintaining of the entertainments and amusements carried on for the benefit of all prisoners at the Penitentiary. Any prisoner who requires medical, surgical or dental treatment, not provided by the state, may use the money to his credit in any fund to defray the expense of such treatment. This money to the credit of any prisoner who escapes or violates parole, shall be used to pay for the expense of apprehension and capture, and if said escaped prisoner or parole violator is not apprehended and captured within the time of one year from the date of his escape, the money to the credit of such escaped prisoner or parole violator shall be forfeited and turned into the credit of the prisoners' general benefit fund. *Provided*, however, that in case such escaped prisoner or parole violator is apprehended and captured at any time after the expiration of one year, the money to the credit of such escaped prisoner or parole violator which has been transferred to the prisoners' general benefit fund shall revert from the prisoners' general benefit fund, in so far as necessary in paying for the expense incurred in apprehending and capturing said escaped prisoner or parole violator.

§ 2. AMENDMENT.] That Section 11266 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11266. MERIT SYSTEM.] The Warden of the State Penitentiary, with the approval of the State Board of Control, shall establish rules and regulations relating to the conduct of prisoners and shall prescribe penalties for the infraction and violation thereof. Such rules, regulations and penalties shall be printed in legible English, and posted in each cell of the Penitentiary, and to such prisoners who cannot read English, they shall be translated and explained to said prisoners in their native language.

§ 7. AMENDMENT.] That Section 11267 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11267. EXTRA "GOOD TIME." Upon recommendation of the Warden, the Board of Control may allow extra good time to prisoners in addition to the good time now granted by law, *provided*, however, such extra good time shall not be computed upon the term of the sentence, but upon the time of their imprisonment. In computing such extra good time, it shall in no case

more than equal the good time now provided by law, and in allowing such extra good time, it is herein specifically provided that it must be earned by good conduct and diligent work.

§ 8. AMENDMENT.] That Section 11268 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11268. FINES FOR MISCONDUCT OF PRISONER.] The Warden, with the approval of the State Board of Control, shall institute and maintain a uniform system of fines and penalties to be deducted from the compensation and good time credited to any prisoner for misconduct or refusal to perform the daily task assigned him.

§ 9. REPEAL.] That Section 11269 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

§ 11269. APPROPRIATION.] That Section 11269 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved, March 8, 1915.

CHAPTER 192.

[H. B. No. 30—McQuillan.]

SALARY PENITENTIARY FIELD OFFICER.

AN ACT to Amend Section 10955 of the Compiled Laws of 1913, Relating to the Duties and Salary of the Field Officer Appointed by the State Board of Control of Penal and Charitable Institutions.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 10955 of the Compiled Laws of 1913 be amended to read as follows:

§ 10955. FIELD OFFICER.] The State Board of Control of penal and charitable institutions may appoint and employ one officer to be known as Field Officer for the Penitentiary and State Training School who shall receive a salary of not to exceed twelve hundred dollars per annum and who shall be an employee of the State Penitentiary and who shall give his entire time to Penitentiary duties when not otherwise employed as Field Officer, and whose duty it shall be without additional salary or compensation other than that for necessary expenses, to carefully look after the welfare of all persons whose sentences have been suspended, and those who have been paroled from said institution after a period of imprisonment therein.

EMERGENCY.] An emergency is hereby declared to exist wherein the present salary is entirely inadequate to meet the requirements of the office. Therefore this bill shall become a law immediately upon its passage and approval.

Approved, March 10, 1915.

CHAPTER 193.

[S. B. No. 282--Overson.]

MINORS TO BE TRANSFERRED FROM REFORM SCHOOL TO PENITENTIARY.

AN ACT to Amend Section 11281 of the Compiled Laws of 1913, Relating to the Commitment of Minors, Who have been Convicted of Felonious Crimes, to the Reform School During Good Behavior.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11281 of the Compiled Laws of 1913 be amended to read as follows:

§ 11281. WHO MAY BE SENT TO REFORM SCHOOL. PROCEDURE.] Whenever any person under the age of twenty years shall, in any district court or county court having increased jurisdiction of this state, be found guilty of a crime or public offense, other than murder, such court may, if in its judgment the accused is a proper subject therefor, instead of entering judgment against such person, direct by an order to be entered in the minutes of the court that such person be committed to the State Reform School until such person attains the age of twenty-one (21) years. Whenever any such person convicted of a felony in the district court or in a county court having increased jurisdiction becomes incorrigible after commitment to such school, and because of insubordination, misconduct or any other cause, becomes a menace to the discipline and order in the school and exerts a demoralizing influence upon the other inmates, the committing court may, upon application of the Superintendent of the Reform School, setting forth the facts, endorsed by the Board of Control, make an order transferring such inmate to the Penitentiary. No other trial or proceeding shall be necessary, and every minor convicted of a felony and committed to the Reform School shall be liable to transfer as herein provided.

Approved, March 4, 1915.