

PENAL INSTITUTIONS

CHAPTER 164.

[H. B. No. 109—Harris.]

COMPENSATION INMATES STATE REFORM SCHOOL.

An Act Relating to the Compensation of Inmates of the State Reform School for Work Performed by Them and Providing for the Disposition of Moneys Earned.

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

§ 1. In order that some inducement may be offered to the boys and girls committed to the State Reform School at Mandan to render faithful service, to inculcate the principles of thrift and good citizenship, to place additional restraints on their leaving the institution unlawfully, and to provide sufficient means to take care of their immediate wants, the inmates of the State Reform School, while engaged in carrying on the work of the institution and the industries therein, shall, providing sufficient funds for that purpose are obtained from the sale of articles manufactured in the institution and of products raised on the farm thereof, receive not less than five cents nor more than fifteen cents per day for work actually performed, the amount to be determined by the State Board of Control.

§ 2. DISPOSITION OF MONEYS EARNED.] The Superintendent of the State Reform School shall keep an Inmates' Account Ledger, in which shall be opened an account with each inmate. The earnings of each inmate shall be distributed as follows:

Ten per cent of such earnings shall be credited to the personal account of the inmate, to be expended for the purpose desired by him, subject to the consent and approval of the superintendent. The remaining ninety per cent of such inmate's earnings shall be credited to his account and shall be paid to the inmate in full upon his discharge.

§ 3. FORFEITURE OF EARNINGS FOR ESCAPE OR VIOLATION OF PAROLE.] In case any inmate shall escape or violate his parole, the money credited to such inmate's account which remains unexpended at the time of his escape or violation of parole may be used to pay the expense of apprehension, capture and return of such inmate; and in case there remains money to the credit of such inmate after deducting the said expenses, such money shall revert back to the fund from which it was originally drawn, immediately.

§ 4. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 12, 1917.

CHAPTER 165.

[S. B. No. 273—Joint Committee on State Affairs.]

DIMINUTION OF SENTENCE.

An Act to Amend and Re-enact Section 11215 of the Compiled Laws of North Dakota for the year 1913, Relating to the Diminution of sentence for good conduct, of persons sentenced.

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

§ 1. AMENDMENT.] That Section 11215 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11215. DIMINUTION REGULATED. POWERS OF THE BOARD OF CONTROL.] Every person committed to the state penitentiary under sentence other than for life, who shall have no infraction of the rules and regulations of the prison or laws of the state recorded against him, shall be entitled to a deduction from the term of the sentence for each year, or pro rata for any part of a year, when the sentence is for more or less than one year as follows: From and including the first year up to the third year, a deduction of two months for each year; from and including the third year, up to the fifth year, a deduction of seventy-five days for each year; from and including the fifth year and up to the seventh year, a deduction of three months for each year; from and including the seventh year up to the eleventh year, a deduction of one hundred and five days for each year; from and including the eleventh year up to the period fixed for the expiration of the sentence, a deduction of four months for each year; and it shall be the duty of the warden to discharge any such person from the penitentiary when he shall have served the term of his sentence less the time he may be entitled to have deducted therefrom for good behavior as hereinbefore provided; and in the same manner as if no deduction had been made; provided, that if any person committed to the penitentiary shall be guilty of the violation of any of the rules and regulations thereof, or of the laws of the state, the Board of Control or warden may and are hereby empowered at their discretion to deprive such person of a portion or all, according to the flagrancy of his infraction of the rules and regulations, of the diminution of the term of his sentence.

Provided, that the provisions of this section shall also apply to persons sentenced to the penitentiary whose sentence has been suspended or who have been paroled.

Approved March 8, 1917.

CHAPTER 166.

[S. B. No. 274—Joint Committee on State Affairs.]

**DISPOSITION OF PERSONAL PROPERTY OF PERSONS WHO HAVE
BEEN CONFINED IN STATE PENITENTIARY.**

An Act to Amend and Re-enact Section 11303 of the Compiled Laws of the State of North Dakota for the year 1913 Relating to the Disposition of Personal Property and Money Belonging to Deceased Persons who have been Confined in the State Penitentiary.

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

§ 1. AMENDMENT.] That Section 11303 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 11303. EFFECTS OF DECEASED. SALE. MONEY RECEIVED.] It shall be the duty of the warden or superintendent within ten days after the decease of any person confined in the State Penitentiary or reform school to report in writing to the State Treasurer the money and effects in his hands belonging to the deceased, and with said report to transmit to the State Treasurer any such money. The State Treasurer shall receive such report and money and execute and give to the warden or superintendent a receipt therefor. The State Treasurer may require the warden or superintendent to sell the effects of the deceased in his hands and direct the manner of said sale, or, in his discretion that the warden or superintendent deliver said effects to the legal representatives of the deceased, and it shall be the duty of such officer to carry out the requirements and directions of the State Treasurer in that regard. If said effects are sold, all moneys received therefor shall be delivered to the State Treasurer as herein provided for the money of the deceased. The State Treasurer shall place all money received on account of any such deceased person to the credit of the general benefit fund of the penitentiary or reform school, as the case may be. If said money is claimed within six years by the dependent relatives of the deceased the State Treasurer must pay it to them after deducting the expenses of the inquest upon, and the burial of the body of the deceased.

Approved March 8, 1917.

CHAPTER 167.

[S. B. No. 275—Joint Committee on State Affairs.]

PENITENTIARY—DISCHARGE, CLOTHING AND EMPLOYMENT OF PRISONERS.

An Act to Amend and Re-enact Section 11226 of the Compiled Laws of North Dakota for the year 1913, Relating to the Discharge, Clothing and Employment of Prisoners released from the Penitentiary.

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

§ 1. That Section 11226 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11226. DISCHARGE OF INMATES. CLOTHING. EMPLOYMENT.] Every person committed to the penitentiary shall, when discharged, be provided with a decent suit of clothes and a sum of money, not to exceed five dollars, and also transportation to the place where he received sentence. He may be allowed employment at, or in the penitentiary, under the rules and regulations established for the government of the inmates, for such period of time and at such rate of compensation as the warden shall deem proper and equitable; provided, that any person so discharged who has no infraction of the rules recorded against him, may be employed by any lessee of the workshop at the penitentiary for such time and for such wages, and in such manner as may be agreed upon and approved by the warden.

Approved March 9, 1917.

CHAPTER 168.

[H. B. No. 398—Joint Committee on State Affairs.]

PENITENTIARY—DISPOSITION OF MONEYS EARNED BY PRISONERS.

An Act to Amend and Re-enact Section 11265 of the Compiled Laws of North Dakota for the year 1913 as Amended by Section 5 of Chapter 191 of the Session Laws of North Dakota for the year 1915 Relating to the Disposition of Moneys Earned by Prisoners in the State Penitentiary.

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

§ 1. That Section 11265 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 5 of Chapter 191 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted 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 dependent relative account of such prisoners as have relatives dependent upon them for support, and the warden shall furthermore keep an accurate account of all moneys deposited from any source whatsoever to the inmate's 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 relatives of each prisoner, upon request, fifty per cent of his gross earnings and five per cent of each prisoners' gross earnings shall be deposited monthly to the credit of the prisoner's general benefit fund, and five per cent to be placed to the credit of his personal account. The remaining forty per cent of the prisoners 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 prisoner's 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 prisoners personal account, and five per cent of the money earned by each prisoner shall be placed to the credit of the prisoner's 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, seventy-five per cent to be placed to the credit of his personal account and the other twenty-five per cent 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.

Approved March 10, 1917.

CHAPTER 169.

[H. B. No. 396—Joint Committee on State Affairs.]

PENITENTIARY—DISPOSITION OF MONEY EARNED BY PRISONERS LEFT BY SUCH PRISONERS AND UNCALLED FOR.

An Act Providing for the Disposition of Moneys Earned by Prisoners in the Penitentiary Which Have Been Left by Such Prisoners and Uncalled For.

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

§ 1. Any moneys earned by persons who have been confined in the State Penitentiary under the Provisions of Section 11265 of the Compiled Laws of North Dakota for the year 1913, which moneys have been left uncalled for, and for the disposition of which the law makes no specific provision, shall be placed in the General Benefit Fund of the Penitentiary.

Approved March 10, 1917.

CHAPTER 170.

[S. B. No. 317—Joint Sub-Committee on State Affairs.]

PENITENTIARY—"GOOD TIME" ALLOWED PRISONERS.

An Act to Amend and Re-enact Section 11267 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Section 7 of Chapter 191 of the Session Laws of 1915, Relating to extra "Good Time" allowed Prisoners confined in the Penitentiary.

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

§ 1. AMENDMENT.] That Section 11267 of the Compiled Laws of North Dakota for the year 1913, as amended by Section 7 of Chapter 191 of the Session Laws of 1915, 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. Provided, further, however, that for every thirty hours of work necessary for the management and conduct of the institution, performed by any prisoner on Sundays or holidays during the term of his imprisonment, such prisoner shall be allowed one day as extra "good time" in addition to all other "good time" allowed by law for good conduct and diligent work.

Approved March 8, 1917.

CHAPTER 171.

[H. B. No. 397—Joint Committee on State Affairs.]

PENITENTIARY—PAROLE.

An Act to Amend and Re-enact Section 11230 of the Compiled Laws of North Dakota for the year 1913 as Amended by Section 1 of Chapter 189 of the Session Laws of North Dakota for the year 1915, Relating to the Parole of persons confined in the Penitentiary.

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

§ 1. AMENDMENT.] That Section 11230 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 1 of Chapter 189 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

§ 11230. WHAT INMATES MAY NOT BE PAROLED.] The following described persons shall not under any circumstances be paroled from the penitentiary:

1. A person convicted and sentenced for the crime of murder in the first degree.
2. A person finally convicted, in any jurisdiction, of a felony other than that for which he is being punished.
3. A person who has not maintained a good record at the penitentiary for at least six months previous to his parole.

Approved March 10, 1917.

CHAPTER 172.

[S. B. No. 6—Ellingson.]

RELIEF FOR WRONGFUL IMPRISONMENT.

An Act Relating to Compensation for Wrongful Imprisonment of Innocent Persons.

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

§ 1. BOARD, HOW CONSTITUTED.] The governor and members of the state board of control are hereby constituted a board to be known as the board for the relief of persons who have served terms of imprisonment at the state penitentiary at Bismarck, or at the reform school at Mandan upon conviction for an offense or crime against the state of which they are innocent. The secretary of the state board of control shall be the secretary of the board hereby created.

§ 2. PETITION.] Any person who hereafter shall have served a term of imprisonment under conviction for a crime or offense against the state, of which crime or offense he claims to be innocent, or any person who shall have been pardoned by the Board of Pardons on the ground of innocence and whose term of imprisonment shall thereby have been decreased, may petition the board constituted in this act for the allowance from the state of compensation for such wrongful imprisonment. Upon presentation of such petition, the board shall fix the time and place for the hearing of the petition, and shall mail notice thereof to the claimant and to the attorney general of this State at least twenty days prior to the time fixed for such hearing.

§ 3. BOARD TO HEAR EVIDENCE.] Such board shall hold a hearing on such petition and shall cause evidence of the character hereinafter mentioned to be produced before it. After hearing the evidence, the board shall make a finding that it is clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he suffered imprisonment, or that it is not clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he was imprisoned. Upon the hearing before the board, the record of the trial in which the conviction may be presented to the board for the purpose of enabling the board to understand the situation, but the finding of the board shall be based only on such evidence or circumstances as have been discovered or have arisen since the trial and conviction of the petitioner of the crime or offense for which he claims to have suffered wrongful imprisonment.

§ 4. COMPENSATION.] If the board shall find that the petitioner was innocent of the crime or offense for which he suffered imprisonment, and that he did not by his act or failure to act contribute to bring about the conviction and imprisonment for which he seeks compensation, the board shall proceed to find the

amount which will compensate the petitioner for his wrongful imprisonment. Such board may award a compensation to the prisoner so found innocent of not to exceed two thousand dollars in any case, and at a rate of compensation not greater than fifteen hundred dollars per year for the imprisonment unjustly suffered. If the board shall find that the amount they may be able to award will not be an adequate compensation to the petitioner, they shall report an amount to the legislature which they shall deem to be adequate and shall recommend the appropriation by the legislature to the petitioner of the amount in excess of the amount that they may have awarded.

§ 5. RECORD OF FINDINGS, APPEAL.] The board shall keep a full and complete record of its proceedings in each case and of all the evidence produced before them. The findings and awards of the board shall be subject to review on appeal by the district court for Burleigh County, but the appeal shall be subject to the same limitations as apply to findings and awards made by the board.

§ 6. The award shall be certified by the board to the State Auditor, and the warrant shall be paid out of the State Treasury.

Approved February 12, 1917.

CHAPTER 173.

[H. B. No. 127—Bowman.]

STATE TRANSPORTATION OFFICER.

An Act Providing for a State Transportation Officer, relating to the transportation of Prisoners and Patients to Institutions under the Jurisdiction of the State Board of Control and to Repeal Chapter 245 of the Session Laws of North Dakota for the year 1915.

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

§ 1. The Board of Control of State Institutions shall appoint a competent person who shall be known as the State Transportation Officer and whose duty it shall be to transport and convey to the Penitentiary and to the Reform School persons sentenced and committed to these institutions, and to transport to the Asylum for the Insane persons who have been adjudged insane by the insanity board of any county. Such transportation officer shall at all times be under the direction of the State Board of Control and may be removed from his office by said Board at any time for incompetency or for failure to properly perform the duties of his office. He shall receive as compensation for his services the sum of eighteen hundred dollars (\$1,800.00) per annum together with actual and necessary expenses incurred in the discharge of his duties.

§ 2. Whenever any person has been adjudged insane by the

insanity board of any county in this state, it shall be the duty of the chairman of such board to immediately notify the State Board of Control. Upon receiving such notice the Board of Control shall notify the state transportation officer to convey such insane person to the Hospital for the Insane. And whenever it shall be necessary to transport an insane patient from this state to another state, such patient shall be taken to such other state by the state transportation officer, or some other person duly authorized by the State Board of Control. When an escaped inmate from the hospital for the insane is apprehended the State Board of Control shall be notified and such inmate shall be returned to the Hospital in charge of the transportation officer.

§ 3. Whenever any person has been convicted and sentenced to the Penitentiary or to the Reform School it shall be the duty of the sheriff of the county in which such conviction is had to notify the State Board of Control. The State Board of Control shall immediately send the transportation officer to such county to convey such prisoner to the Penitentiary or Reform School as the case may be.

§ 4. In cases of Emergency the state transportation officer may employ an additional guard or guards to assist him. Such guard shall receive as compensation for his services the sum of two dollars and fifty cents (\$2.50) per day and his actual and necessary expenses. And, if at any time there are more persons to be transported than it is possible for the state transportation officer to promptly attend to, the Warden of the Penitentiary and the Superintendent of any other institution shall at the request of the Board of Control send one of the regular employees of such institution to transport such person or persons thereto; provided, that whenever a female is committed to any of such institutions one of the women regularly employed in the institution to which such female is committed shall transport, or assist in transporting such female to that institution. In case a woman, employed in such institution, is not available the Board of Control shall appoint a suitable woman to perform this work who shall receive as compensation for her services the sum of two dollars and fifty cents (\$2.50) per day and necessary expenses. Whenever an employee of an institution is required to transport or assist in the transportation of persons, as provided herein the state shall pay the actual and necessary expenses of such employee. All expenses incurred for the transportation of persons committed to any institution under the supervision of the Board of Control shall be paid out of the moneys appropriated for the purpose of providing for such transportation, but no claim shall be paid until approved by the Board of Control and the said Board shall not approve any such claim unless such transportation has been authorized by the Board of Control.

§ 5. That chapter 245 of the Session Laws of North Dakota for the year 1915 is hereby repealed.

Approved March 10, 1917.