
PAROLE

CHAPTER 180.

[S. B. No. 66—Pierce]

PAROLE AND INDETERMINATE SENTENCES.

AN ACT to Establish a Parole System, and Providing for Indeterminate Sentences of Persons Convicted of Certain Crimes, and Prescribing the Duties of Officials in Connection Therewith.

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

§ 1. TERMS OF IMPRISONMENT IN THE PENITENTIARY.] Every person who shall be convicted of felony or crime punishable by imprisonment in the penitentiary, except treason, murder in the first degree, rape and kidnapping [shall] be sentenced to the penitentiary, and the court imposing such sentence may in its discretion refrain from fixing the limit or duration of the same, but in such cases, the term of such imprisonment shall not be less than one year, nor shall it exceed the maximum term provided by law for the crime of which the prisoner was convicted, making allowance for good time, as now or hereinafter provided by law. In all such cases the judgment of the court shall provide in substance for confinement in the penitentiary until released or paroled, but the judge of the district court, in passing sentence upon any person under twenty years of age, for any crime except treason, murder, rape and kidnapping, may in his discretion sentence such person to the state reform school during the minority of such person.

§ 2. OFFICIAL INFORMATION OF PRISONER'S CHARACTER AND HABITS.] It shall be the duty of the judge before whom any person is convicted and sentenced indeterminate to the penitentiary, and also of the state's attorney of the county in which such conviction is had, to file with the clerk of the district court an official statement of the facts and circumstances constituting and surrounding the crime whereof the prisoner was convicted, his age as near as can be ascertained, together with all other information accessible to them in regard to the career of the prisoner prior to the time of the committal of the crime of which he was convicted, relative to his habits, associates, disposition and reputation, and any other facts and circumstances which may tend to throw any light upon the question as to whether or when such prisoner may be capable of again becoming a law abiding citizen. It shall be the duty of the official court reporter, at the dictation of the judge

of the said court, or the state's attorney of said county, to write the official statements of the judge and state's attorney above referred to at the time of the conviction of the prisoner, and it shall be the duty of the clerk of the court to cause copies of such official statements to be attached to the commitment, with the copy of the judgment of the court at the time of issuing the same, and deliver the same, so attached, to the sheriff of the county for transmission to the institution to which the prisoner is committed.

§ 3. PERSONS CONVICTED AND SENTENCED PRIOR TO THE TAKING EFFECT OF THIS ACT MAY APPLY FOR BENEFITS OF THE SAME.] Any person who, prior to the taking effect of this act, may have been convicted of and sentenced for any crime except the crime of treason, murder in the first degree, rape and kidnapping, may apply to the board of pardons in the same manner as now provided by law for applications for pardons, and if upon investigation and a thorough hearing of all the facts, the board of pardons shall find that it is a case wherein the purpose of the law would have been best subserved by an indefinite sentence, the board may in its discretion make an order pursuant to such finding, and the clerk shall forthwith transmit to the warden of the penitentiary a certified copy of such order, and the warden shall file and make entry thereof, and thereafter such person shall have and be entitled to the same status as if originally sentenced under the provisions of this act.

§ 4. REPEAL. SAVING CLAUSE.] All acts and parts of acts in conflict with this act are hereby repealed. No part of this act, however, shall ever be construed to modify or annul, or in any way affect the validity of any conviction had, or sentence imposed prior to its taking effect, nor to modify any of the existing provisions of law relative to the punishment for crimes enumerated in section 1 of this act.

Approved March 19, 1907.

CHAPTER 181.

[S. B. No. 226—Leutz]

REFORM SCHOOL PAROLE.

AN ACT for Paroling Inmates of the Reform School.

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

§ 1. PAROLE PERMITTED.] The board of trustees of the reform school is hereby empowered to parole persons committed to the reform school, or to the guardianship, control and custody of the trustees of said reform school, who at the time of commitment

to said school were under the age of sixteen years, and all those committed between the ages of sixteen and eighteen years, not convicted of a felony, and may establish rules and regulations under which such persons may go upon parole.

§ 2. WHEN ALLOWED.] No parole shall be granted to any person committed to said reform school, or to the guardianship, control and custody of the trustees of such reform school unless:

1. The superintendent of said reform school recommends such parole to the board of trustees.

2. At least four members of the board of trustees approve and indorse said recommendation.

3. There is some suitable person to receive, employ and care for the person so paroled, without expense to the state.

§ 3. RECOMMITTED.] Any person so paroled shall still be deemed to be under the guardianship and control of the board of trustees of said reform school and subject at any time until the expiration of the time for which he was committed to said reform school, to be taken into actual custody and returned to the reform school. The board of trustees is hereby fully empowered to enforce the rules and regulations made by it for the paroling of the inmates of said reform school, and, when satisfied that any person out on parole has violated any of such rules and regulations, may order that such person be taken into actual custody and returned to said reform school and detained therein until the expiration of the time of his commitment thereto as provided in the order of court committing him to said reform school, or is again paroled therefrom. The board shall enter in the record of its proceedings any such order, and a copy thereof certified by the secretary of the board may be delivered to any sheriff or other peace officer of the state, or an officer of the state reform school for service and return, and it shall be the duty of any such officer to receive the same and to apprehend and immediately return and deliver to the superintendent of said reform school any such person named in such order, and such person shall remain in such reform school until discharged or again paroled therefrom according to law.

§ 4. FEES.] The officer executing any such order of the board of trustees shall indorse on said order a return of his doings thereunder and deliver the same together with the person named therein to the superintendent of said school, and the superintendent shall give to such officer a certificate acknowledging the receipt of such person and said order and return. The fees of any such officer for executing any order of the board of trustees for the return of any person to the reform school shall be the same as provided by law for the taking of a person to said school under the order of the court.

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

§ 6. EMERGENCY.] There being no provision of law providing for the parole of inmates of the reform school, therefore, an emergency exists, and this act shall take effect and be in force immediately upon its passage and approval.

Approved March 8, 1907.

PHARMACY

CHAPTER 182.

[S. B. No. 28—Cashel]

PRACTICE OF PHARMACY.

AN ACT to Regulate the Practice of Pharmacy, and Providing Penalties for Violating the Provisions Thereof.

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

§ 1. COMPOUNDING RESTRICTED.] No person other than a registered pharmacist, assistant registered pharmacist or a regularly licensed physician shall manufacture, compound, sell or dispense for medicinal use any drug, poison, medicine or chemical (except patent or proprietary preparations) or dispense or compound a prescription of a medical practitioner except as provided in this act.

§ 2. REGISTERED PHARMACISTS ASSISTANTS.] Every store, dispensary, pharmacy, laboratory, or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the compounding or dispensing of prescriptions of medical practitioners shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. No registered assistant shall conduct a pharmacy except during the temporary absence of the registered pharmacist in charge thereof. Every store or shop where drugs, medicines, or chemicals are dispensed or sold at retail, or displayed for sale at retail for medicinal purposes, or where prescriptions are compounded, shall be deemed a "pharmacy" within the meaning of this act. In every pharmacy a sign shall be posted in a conspicuous place showing the name of the registered pharmacist in charge thereof.