

CHAPTER 155.

[H. B. 192.]

PROVIDING FOR THE INDETERMINATE SENTENCE OF
PERSONS CONVICTED OF CERTAIN FELONIES.

AN ACT to provide for the indeterminate sentence of persons convicted of certain felonies, for the termination of such sentence and the release of such persons, and defining the duties of the state board of control and warden of the penitentiary in relation thereto.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Every person convicted of a felony or other crime punishable by imprisonment in the Penitentiary, except treason and murder, if judgment be not suspended or new trial granted, shall be sentenced to the Penitentiary, except in the cases where the law provides for the sending of such convicted persons to the reform school, and in cases where the court is empowered to suspend sentence; but the court imposing such sentence shall not fix the limit or duration of the sentence, but the term of imprisonment of any person so convicted shall not exceed the maximum nor be less than the minimum term provided by law for the crime for which the person was convicted and sentenced: *Provided*, That in all cases when the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing the sentence shall fix the maximum sentence: *Provided further*, That in all cases when no minimum sentence is fixed by law, the court imposing sentence shall fix such minimum, which minimum shall not be less than six months, nor more than five years, the release of such person to be determined as hereinafter provided.

Persons convicted shall be sentenced to penitentiary.

Court shall not fix limit.

SEC. 2. The State Board of Control and Warden of the State Penitentiary of this State shall constitute a prison board for the purposes hereinafter specified.

Prison board.

SEC. 3. It shall be the duty of the judge before whom the prisoner is tried and convicted, also of the county attorney, to furnish such prison board, together with the warrant of commitment, all information that they can give in regard to the career of the prisoner before the

Judge shall furnish information.

committal of the crime for which he was sentenced, stating to the best of their knowledge whether the prisoner was industrious or not, of good character or not, what his associates were, what his disposition was, and all the other facts and circumstances that may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a good citizen; and the said prison board shall also have the power to call upon any other official or person for similar information, and where practicable shall procure such information from the people who have known the prisoner.

Prison
board to
adopt rules.

Records.

SEC. 4. It shall be the duty of said prison board to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to their criminal courses, best secure their self-support and accomplish their reformation. When any prisoner shall be received into said Penitentiary, the Warden shall cause to be entered into a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. And the physician of said Penitentiary shall carefully examine each prisoner when received, and shall enter in a register to be kept by him the name, nationality or race, the weight, stature and family history of each prisoner; also a statement of the condition of the heart, lungs, and other leading organs, the rate of the pulse and respiration, the measurement of the chest and abdomen, and any existing disease or deformity, or other disability, acquired or inherited. Upon the Warden's register shall be entered from time to time minutes of observed improvement or deterioration of character, and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner, or any subsequent facts or personal history which may be brought officially to his

knowledge bearing upon the question of the parole or final release of the prisoner.

SEC. 5. The said prison board shall have power to establish rules and regulations under which prisoners within the Penitentiary may be allowed to go upon parole outside the Penitentiary building and enclosure, but to remain while on parole in the legal custody and under the control of the prison board, and subject at any time to be taken back within the enclosure of said Penitentiary: *Parole of prisoners. Provided,* That no parole shall be granted in any case until the minimum term fixed by law for the offense has expired; and full power to enforce such rules and regulations and to retake and reimprison any inmate so upon parole is hereby conferred upon the Warden, whose order, certified by the clerk of the prison, shall be a sufficient warrant for the officer named in it to authorize such officer to apprehend and return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process: *Parole of prisoners. Provided,* That no prisoner shall be released on parole until the said prison board shall have made arrangements, or shall have satisfactory evidence that arrangements have been made, for his honorable and useful employment while upon parole in some suitable occupation, and at a proper or suitable place, free from criminal influence.

SEC. 6. It shall be the duty of the Warden to keep *Discharge.* in communication, as far as possible, with all prisoners who are on parole, and also with their employers, and when, in his opinion, any prisoner who has served not less than six months of his parole acceptably has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the Warden shall make certificate to that effect to the prison board, and the board shall at the next meeting thereafter consider the case of the prisoner so presented; and when said board shall decide that said prisoner is entitled to his final discharge, said board shall cause a record of the case of said prisoner to be made, showing the date of

his commitment to the Penitentiary, his record while detained therein, the date of his parole, his record while on parole, and their reasons for recommending his final discharge. Said record shall be signed by the board and attested by the secretary. On being approved by the Governor, he shall receive a full discharge from further liability under his sentence. But no petition or other form of application for either the parole or final release of any prisoner shall be entertained by the warden or prison board. Nothing in this act shall be construed as impairing the power of the Governor to grant a pardon or commutation in any case.

Violation of parole—re-commitment.

SEC. 7. If any prisoner shall violate the conditions of his parole as fixed by the prison board, he shall be declared a delinquent, and shall thereafter be treated as an escaped prisoner owing service to the State, and shall be liable, when arrested, to serve out the unexpired term of his maximum possible imprisonment, and the time from the date of his declared delinquency and the date of his arrest, shall not be counted as any portion or part of time served. If any prisoner while at large upon parole shall commit the crime of treason or murder in the first degree he shall be punished as provided by law and conviction thereof shall terminate his former sentence. Any prisoner who while at large upon parole shall commit any other felony shall upon conviction thereof be sentenced to the Penitentiary as provided herein. Such sentence shall not be cumulative but shall be added to his former sentence and commence to be served at the expiration of his former sentence.

Act applicable to persons now confined.

SEC. 8. The provision of this act that relates to the power of the prison board to parole and release prisoners shall apply to all persons now confined in the State Penitentiary for felonies other than treason or murder, whenever such person shall have served the minimum time fixed by law for the crime for which he was convicted. Persons convicted of a felony committed prior to the taking effect of this act, and sentenced after this act is in force, shall be sentenced under the law in force at the time such felony was committed; but the provisions of this act relating to

the power of the prison board to parole and release prisoners shall apply to such persons. All paroles herein provided for shall be approved by the Governor before the same shall be valid and no person who has served a previous term in any Penitentiary shall be eligible for parole under this act.

Governor
to approve
paroles.

Passed the House February 18th, 1907.

Passed the Senate February 27th, 1907.

Approved by the Governor March 13th, 1907.

CHAPTER 156.

[H. B. 9].

ESTABLISHMENT AND MAINTENANCE OF A BRANCH OF THE STATE SOLDIERS' HOME.

AN ACT to provide for the establishment and maintenance of a branch of the state soldiers' home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of this state, and also the wives of such soldiers, sailors and marines.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That there shall be established and maintained in this State a branch of the State Soldiers' Home, under the name of the "Washington Veterans' Home," which branch shall be a home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the State militia disabled while in the line of duty, and who are *bona fide* citizens of the State, and also the wives of such soldiers, sailors and marines.

Washington
Veterans'
Home.

SEC. 2. All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the State militia disabled while in the line of duty, and also the wives of such soldiers, sailors and marines, may be admitted to the home provided in section 1 of this act, under such rules and regulations

Admission