

CHAPTER 167.

[H. B. 176.]

STATE REFORMATORY.

AN ACT creating the Washington State Reformatory, providing for the erection and management thereof and making an appropriation therefor.

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

SECTION 1. There is hereby established the Washington State Reformatory, the same to be located, constructed, equipped and managed in the manner and for the purpose in this act hereinafter provided.

State Reformatory established.

SEC. 2. Immediately after the passage of this act the Governor shall appoint four electors of the State of Washington, who together with the members of the State Board of Control shall select the site for said reformatory, the said site to consist of not less than one-half section of fertile land and located in Snohomish county in the State of Washington. As soon as said site is selected the State Board of Control shall at once proceed to the erection and equipment of such buildings as may be necessary for present use, making due allowance for reasonable increased demands, using therefor as far as practicable the prisoners confined in the Washington penitentiary at Walla Walla. The number, kind and character of said buildings and equipment shall be determined by the said Board of Control, and the Board of Managers hereinafter mentioned. As soon as said buildings are completed and equipped the same shall be turned over to the said Board of Managers of the Washington State Reformatory and thereafter said Board of Managers shall have power to construct such additional buildings as may be necessary and equip the same, make such improvements as may be required from time to time and shall perform such other duties as shall be required of them by law and shall have general charge and supervision of said Washington State Reformatory and shall conduct the same strictly upon nonpartisan principles.

Selection of site.

Board of Control shall erect and equip buildings.

Buildings shall be turned over to Board of Managers.

SEC. 3. The government and control of said Washington State Reformatory and of the prisoners sentenced thereto shall be vested in a Board of Managers to consist of five members, and not more than three members of said Board at any time shall belong to the same political party, to be appointed by the Governor; one to serve one year, one two years, one three years, one four years, and one five years, as may be designated by the Governor at the time of the appointment; and to be removable by the Governor in his discretion; and at the expiration of the term of office of each member of the Board his successor shall be appointed in the same manner and by the authority as hereinbefore provided for the term of five years. Whenever a vacancy occurs in the Board of Managers otherwise than by the expiration of the term of office of the manager, such vacancy shall be filled by appointment by the Governor for the unexpired term, by and with the consent of the Senate. The members of said Board shall receive no salary compensation for their services but said Board shall be allowed reasonable traveling and other official expenses.

Governor shall appoint Board of Managers.

Terms.

Compensation.

Board of Managers to convene at Olympia.

Annual report.

Rules.

SEC. 4. Immediately after their appointment as herein provided the Board of Managers shall convene in the city of Olympia. Three members of the Board shall constitute a quorum for the organization of the Board and for the transaction of all business. The managers shall give so much of their time and attention to the affairs of the reformatory as shall insure the wise, efficient and faithful management thereof, and shall make an annual report thereon to the Governor on or before the 1st day of October of each year. And in said annual report the Board shall give the classification of all prisoners, showing their ages, term of sentence, offense committed, cause of crime, habits, education and industrial training and pursuits, and such other information and recommendations as they may deem best for the information of the Legislature. The Board shall prepare rules for its own government and for the government of the Washington State Reformatory in accordance with the provisions of this act.

SEC. 5. The Board of Managers as soon as they may deem it necessary shall appoint as superintendent a person who possesses the ability and qualifications to successfully carry on the industries of the reformatory and who possesses the executive ability essential for the proper management of the officers and other employes under his jurisdiction and to enforce and maintain proper discipline in every department; said superintendent shall hold his office during the pleasure of the Board. Any vacancy shall be filled by appointment by such Board as hereinbefore provided. They shall also appoint a physician and surgeon in chief, and the necessary medical assistants, including a druggist and assign to them the necessary office room, and fix the salaries and duties of such officers who shall serve during the pleasure of the Board.

Appoint-
ment of Su-
perin-
tendent.

Physician
and
assistants.

SEC. 6. It shall be the duty of the superintendent by and with the advice and consent of the Board of Managers to appoint such subordinate officers, guards and employes as the number of prisoners or the needs of the institution may from time to time require; said officers, guards and employes shall receive as compensation salaries fixed by the Board of Managers not to exceed those now provided by law for similar services by officers, guards and employes performing like duties in the Washington penitentiary, and all salaries shall be fixed on or before the 1st day of April each year and no changes shall be made in the salaries to be paid excepting at the time prescribed in this section.

Employees.

SEC. 7. The superintendent shall receive an annual salary to be fixed by the Board of Managers. He shall give bond, with good and sufficient sureties, approved by the Governor, in the sum of Ten Thousand (\$10,000.00) Dollars, conditioned upon the faithful performance of duty. The said Board of Managers shall also appoint a chaplain for said Washington State Reformatory, who shall perform such duties as may be prescribed by the Board of Managers. He shall receive as compensation for his services a sum to be fixed by the Board of Managers, and shall be assigned suitable office room quarters

Salary of
Superin-
tendent.

Bond.

Chaplain.

in said reformatory, by the Board of Managers. He shall devote his entire time to the duties of his office.

Officers shall be furnished quarters, etc.

SEC. 8. The superintendent, the chaplain, the physician and the chief engineer of the reformatory shall be furnished with quarters, household furniture, board, fuel and lights for themselves and their families; and the Board of Managers may by unanimous vote, when in their opinion the institution would be benefited by so doing, extend this privilege to any other officer. The word "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. Employes shall be furnished with quarters and board for themselves.

Labor may be performed by inmates.

SEC. 9. The labor necessary for the construction of buildings and shops and the manufacture of materials therefor, and the enclosure of the grounds of said reformatory as well as such other improvements as in the judgment of the Board of Managers may be required shall be performed by the inmates as far as practicable; and it shall be the duty of the warden of the Washington Penitentiary at Walla Walla and the Board of Control to select from the number of inmates of said penitentiary, such convicts as shall, as nearly as may be, come within the requirements of section ten of this act, as to age and crime, and transfer the same to the Washington State Reformatory when requested by the Board of Managers thereof.

Transfer of inmates of Penitentiary to Reformatory.

Criminals to be sentenced to confinement in Reformatory, when.

SEC. 10. The said Board of Managers shall receive all male criminals between the ages of sixteen and thirty, and who shall be legally sentenced to said Washington State Reformatory on conviction of any criminal offenses, in any court having jurisdiction thereof; and it shall be incumbent upon any such court to sentence to the Washington State Reformatory any such male person between the ages of sixteen and twenty-one convicted of a crime punishable by imprisonment in the Washington State Reformatory, and any court, in its discretion may sentence to the Washington State Reformatory any such male person between the ages of twenty-one and thirty, so convicted, whom said court may deem amenable to reformatory methods: *Provided*, That no person convicted of murder in the first

or second degree and no person who shall have been convicted and sentenced more than three times either to fine or imprisonment shall be sentenced or transferred to said Washington State Reformatory.

SEC. 11. The discipline to be observed in said Wash- Discipline.
 ington State Reformatory shall be reformatory, and the managers shall have power to employ such means of reformation for the improvement of the inmates as they may deem expedient. The labor imposed upon inmates, or industrial pursuits prescribed for the employment of their time, shall also be at the discretion of the Board of Managers, except that what is known as the contract system of prison labor shall not be employed. The superintendent is hereby authorized to place to the credit of each prisoner, such amount of his earnings as the board of managers may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned, and his general deportment: *Provided*, That such credit shall in no case exceed twenty per cent of his earnings, and the funds thus accruing to the credit of any prisoner shall be paid to him or his family, at such times and in such manner as the board of managers may deem best: *Provided*, That at least twenty-five per cent of such earnings shall be left for and paid to such prisoner at the time of his restoration to citizenship: *And provided*, *further*, That the superintendent may, with the approval of the managers, by way of punishment for violation of rules, and of propriety, or any other misconduct, cancel such portion of such credit as may be deemed best by him. Prisoner may be credited with part of earnings.
Not exceeding twenty per cent.
Forfeiture of earnings.

SEC. 12. All provisions of existing laws requiring the courts of this state to sentence male criminals between the ages of sixteen and thirty, convicted of any criminal offense, to the Washington Penitentiary shall, from and after the turning over of the buildings of the Washington State Reformatory to the Board of Managers as provided for in section 18 of this act, apply to said Washington State Reformatory, so far as to enable courts to sentence the class of prisoners mentioned in the tenth section of this act to the Washington State Reformatory. Criminals may be sentenced to Reformatory under existing laws.

Court shall not fix duration of sentence.

Board of Managers may terminate sentence, when.

Conveyance of prisoners to Reformatory.

Transfer of prisoners to Penitentiary.

Governor may parole prisoners.

SEC. 13. Every sentence to the Washington State Reformatory of a person hereinafter convicted of a felony, shall be a general sentence to imprisonment in the Washington State Reformatory, giving the location thereof, and the courts of this State imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any prisoner so convicted and sentenced shall be terminated by the Board of Managers of the Washington State Reformatory as authorized by this act, but such imprisonment shall not exceed the maximum provided by law for the crime for which the person was convicted, nor be less than the minimum term provided by law for a felony; and a person sentenced to the Washington State Reformatory shall, within thirty days after his sentence, unless the execution thereof be suspended, be conveyed to the Washington State Reformatory by the State Board of Control in the manner prescribed in chapter 121 of the Laws of 1905 and delivered into the custody of the superintendent of the Washington State Reformatory, together with a certified copy of the sentence of the court, and there be safely kept until released by the Board of Managers of the Washington State Reformatory, or until said prisoner be pardoned by the Governor, and if the execution of the sentence be suspended, and the judgment be afterward affirmed, the defendant shall be conveyed to the Washington State Reformatory within thirty days after the court directs the execution of the sentence.

SEC. 14. The Board of Managers shall have power to transfer, with the written consent of the Governor of the State, to the Washington Penitentiary, any prisoner, who subsequent to his committal, shall be shown to have been at the time of his conviction more than thirty years of age, and may also so transfer any apparently incorrigible prisoner whose presence in the Washington State Reformatory appears to be seriously detrimental to the well being of the institution.

SEC. 15. The Governor shall have the authority to establish rules and regulations under which prisoners within said Washington State Reformatory may be allowed to

go upon parole, in legal custody, and under the control of the Governor, and subject at any time to be returned to said reformatory; but no prisoner shall be considered eligible to parole, and no application for parole shall be considered by the Governor until such prisoner shall have been recommended as worthy of such consideration by the superintendent, and chaplain of said Washington State Reformatory, and in no case shall any prisoner be released on parole unless there is in the opinion and judgment of the Governor reasonable ground to believe that he will if released be and remain at liberty without violating the law, and that his release on parole is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner as established in the reformatory, considering also his previous record, nature and character of the crime committed, and all such other facts as the Governor may be able to obtain bearing upon the advisability of parole or refusal of the same.

SEC. 16. The Governor shall have full power to retake and to reimprison any convict so upon parole and his written order shall be sufficient warrant for all officers named in it to authorize such officers to arrest and return to actual custody any conditionally released or paroled prisoner and should such paroled prisoner be in the custody of an officer of the law, either under an order of arrest or by virtue of a conviction and sentence for any crime other than manslaughter or murder, then in such case said written order shall be a sufficient warrant under which said paroled prisoner may be taken into the custody of such officer of said Washington State Reformatory; and it is hereby made the duty of all officers named in such order to arrest and return to actual custody any conditionally released or paroled prisoner.

Governor
may order
reimprison-
ment of
convicts.

SEC. 17. The Board of Managers shall have the power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education and removal of all prisoners of said Washington State Reformatory.

Board of
Managers
may adopt
rules.

Buildings shall be turned over to Board of Managers when completed.

SEC. 18. Whenever the Board of Control shall have completed the construction of the buildings herein provided of the Washington State Reformatory, same shall then be turned over to the Board of Managers who shall have authority to make requisitions upon the managers of the Washington Penitentiary, who shall select the number required from the youthful, well-behaved and most trusty class of convicts, whose record shall be subject to the approval of said Board making such requisition, and transfer them to said reformatory for the purpose of labor, education and treatment, under the rules and regulations thereof; and the Board of Managers are hereby authorized to receive and detain during the term of their sentence to the Washington Penitentiary, such prisoners so transferred; and the laws applicable to the convicts in the Washington Penitentiary so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts.

Transfer of convicts from Penitentiary.

Business management vested in Board of Control.

SEC. 19. The business management and the purchase of supplies and the sale of products and manufactures, together with the auditing and keeping of all accounts pertaining thereto shall be vested in the State Board of Control.

Register of prisoners.

SEC. 20. It shall be the duty of said Board of Managers to maintain such control over all prisoners committed to their custody, as shall prevent them from committing crime, best secure their self support and accomplish their reformation. When any prisoner shall be received into the Washington State Reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of said admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and tendencies of the prisoner, and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character, affecting the standing or situation of such prisoner, the circumstances of the final release and any subsequent facts of the personal history which may be brought to their knowledge.

SEC. 21. The Board of Managers shall under a system of marks, or otherwise fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act as to the conditions (of increased privileges, or of release from their control) which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor or study, and for the results accomplished, and recharge for derelictions, negligence or offenses. The Board of Managers shall establish rules and regulations by which the standing of each prisoner's account of marks shall be made known to him as often as once a month. When it appears to the Governor that there is a strong or reasonable probability that any prisoner on parole may live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society he may thereupon in his discretion grant an absolute release to such prisoner, and in his discretion restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon or commutation in any case.

Board of Managers shall establish system of credits.

Governor may grant discharge.

SEC. 22. If through oversight, or otherwise, any person be sentenced to imprisonment in said Washington State Reformatory for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent, as if sentence had been in the terms required by section thirteen of this act, and in such case said managers shall deliver to such offender a copy of this act and written information of his relation to said managers.

Sentences for definite time not void.

SEC. 23. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of Thirty Thousand (30,000.00) Dollars, or so much thereof as may be necessary to carry out the provisions of this act.

Appropriation \$50,000.

Passed the House March 1st, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 14th, 1907.