

1910

Recent Statutory Legislation Relating to Crime and Criminal Procedure

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Recommended Citation

Recent Statutory Legislation Relating to Crime and Criminal Procedure, 1 J. Am. Inst. Crim. L. & Criminology 314 (May 1910 to March 1911)

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RECENT STATUTORY LEGISLATION RELATING TO CRIME AND CRIMINAL PROCEDURE.‡

The following COMMISSIONS OF INVESTIGATION were appointed in 1908, to report by 1910:

Georgia (St. July 26, p. 1029), to investigate the convict-labor system.

Louisiana (c. 16 1/1), to draft a code of criminal law, procedure and correction.

Maryland (c. 325), to revise the criminal law; (c. 486), to revise the law relating to family-desertion and the detention of children.

New Jersey (c. 140), to investigate the causes of dependency and criminality.

New York (c. 211), to inquire into the procedure of courts of inferior criminal jurisdiction; report now printed and summarized in this number of the JOURNAL.

LEGISLATION OF 1909.

Alabama. Special Sess., 1909.

No. 106 (code provisions as to delinquent juveniles, amended).

Arizona. 25th Assembly, 1909.

C. 57 (c. 78, St. 1907, as to powers of district courts over dependent and delinquent children, amended in details).

C. 101 (indeterminate sentence and convict-parole, provided for).

Arkansas. St. 1909.

Act 207 (regulations for convict work on public roads, revised).

Colorado. 17th Sess., 1909.

C. 156, Apr. 22 (St. 1903, Mar. 7, amended as to procedure in juvenile courts).

C. 157, Apr. 28 (delinquent and dependent children and contribution thereto; proceedings to be had by petition under the chancery powers; procedure regulated).

C. 158, Apr. 28 (dependent and delinquent children, to be treated "not as criminals, but as wards of the state," by chancery powers; a "master of discipline" to be appointed, with the duties of superintending probation and the powers of a master in chancery).

C. 183, Apr. 23 (students of law representing clients of a legal aid dispensary, to be authorized to appear in court as if licensed practitioners).

C. 190, Apr. 26 (office of penitentiary physician and surgeon created).

C. 195, May 5 (police officers, etc., who use threats or violence to obtain a confession, to be punishable).

Connecticut. St. 1909.

C. 182 (certain data to be included in reports of commitments of minors to reformatory institutions).

‡Only those statutes are mentioned which are notable for changes in methods of procedure and punishment. A few statutes defining specific crimes are noticed; and in future numbers this part of the summary will be expanded.

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C. 209 (board of surgeons appointed for state prison and insane hospitals, to perform operation for preventing procreation, on persons having heritable tendencies to crime, insanity, or imbecility).

Iowa. 33d General Assembly, 1909.

C. 14 (contributory dependency, defined; regulations for disposing of such persons).

Massachusetts. St. 1909.

C. 504 (laws relating to insane persons codified; sections 103-106 regulate the method for determining insanity of persons indicted or acquitted or convicted of crime, and for disposing of them).

Michigan. St. 1909.

No. 124 (St. 1905, No. 32, concerning probation before sentence, amended).

No. 134 (St. 1905, No. 184, concerning indeterminate sentences, amended).

Missouri. 45th General Assembly, 1909.

June 12, p. 423 (juvenile courts established in counties of over 50,000 population; delinquent and neglected children, defined; procedure regulated; St. 1903, Mar. 23, and St. 1905, Apr. 18, applying to counties of over 150,000 population, repealed).

Nebraska. 37th Sess., 1909.

C. 165, C. 166 (criminal code, section 2382, as to abandonment of wife or child and bond for support, amended).

C. 168 (parole and suspension of sentence provided for, in district courts, for first offenders in felonies except murder, treason, rape, arson, night-burglary, robbery or larceny from the person).

C. 169 (criminal code, sections 2716, 2720, for convicted persons appearing to be insane, amended).

C. 170 (pardons and paroles; criminal code, sections 2730, 2743, as to methods of granting, amended).

Nevada. St. 1908-09, 24th Sess.

C. 79 (board of parole commissioners created for state prisoners, to consist of the governor, supreme justices, and attorney-general; conditions of granting parole prescribed; monthly reports required from paroled persons);

C. 96 (state prisoners classified into three grades: corrigible, incorrigible but capable of being put to labor, and incorrigible and incapable of being put to labor; rules for garb, credits, etc., prescribed).

C. 165 (contributory dependency and contributory delinquency defined and punished; suspension of sentence and custody of child provided for by detailed regulations).

C. 228 (theft of water, gas, electricity, and power, in specified ways, made punishable).

C. 229 (rape made punishable by death).

New Hampshire. January Sess., 1909.

C. 1 (at trials for murder in second degree, one supreme justice, instead of two, is to preside).

New Jersey. 133d Legislature, 1909.

C. 85 (dependent children may be committed to private institution, by judge of juvenile court, etc., where no state house of detention exists).

C. 188 (rules for selecting a struck jury, amended).

C. 205 (acts of 1906 and 1908, for schools of detention, amended).

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C. 211 (board of protectors created in municipalities, to supervise habitual drunkards and to prevent the sale of liquor to them).

New York. 132d Sess., 1909.

C. 240, section 63 and C. 489 (prison law, C. 47, St. 1909, 211, as to parole terms, amended).

C. 282 (c. 88, St. 1909, section 2189, as to indeterminate sentence, amended).

C. 478 (c. 88, St. 1909, section 2186, as to juvenile delinquency, amended).

the foregoing appears to be intended merely to correct clerical errors arising in the course of enacting the Consolidated Laws of 1909.

North Carolina. St. 1909.

C. 817 (reformatory and manual training school for criminal negro youths, established).

North Dakota. 11th Sess., 1909.

C. 174 (first offenders, except in murder, arson, burglary, incest, sodomy, rape, or poisoning, may be placed on probation with suspended sentence; rules for probation prescribed).

C. 175 (persons convicted of felony, except treason, murder in first degree, rape and kidnaping, may be given an indeterminate sentence within the limits now fixed by law; duties of field officers defined, and board of experts provided).

Oklahoma. 1st Sess. of 2d Legislature, 1909.

C. 14, Art. VIII, Mar. 24, p. 185 (dependent, neglected and delinquent children, defined, and their special treatment given in charge of all country courts; regulations provided).

Pennsylvania. St. 1909.

No. 36 (girls committed to reform school or house of refuge; the institution to retain power over her throughout minority).

No. 73 (mode of making juvenile court orders, amended).

No. 241 (amending St. 1903; persons contributing to delinquency of a minor, to be punishable).

No. 270 (selling or giving of cocaine, etc., without a prescription, to be punishable).

No. 275 (§§ 1-5, probation system established for all first offenders except those guilty of murder, poisoning, kidnaping, incest, sodomy, rape, arson or burglary; probation officers authorized; §§ 1-15, indeterminate sentence provided, and a system of release on parole).

Texas. 31st Legislature, 1909.

C. 54, C. 55 (amending Arts. 1145, 1146 of the code of criminal procedure, and c. 65, § 9 of St. 1907, and regulating the commitment of juvenile delinquents to the State Institution for the Training of Juveniles).

C. 59 (vagrancy defined and punished).

United States (Federal). St. 1909.

March 4, c. 321, 35 Statutes at Large 1088 (penal laws of the United States codified, in 345 sections and 15 chapters; the code concerns itself solely with the substantive law defining criminal acts; the report of the Commissioners was printed as U. S. Senate Document No. 0, 59th Congress, 2d Session, 1906, Dec. 15).

Utah. 8th Sess., 1909.

C. 96 (convicts may be used on public-roads construction).

C. 122 (statutes concerning juvenile courts, amended; Juvenile Court Com-

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mission created; jurisdiction of such courts defined; practice regulated; in all matters of juvenile delinquency, "the court shall be regarded as exercising equity jurisdiction," modes of disposing of juveniles enumerated; duties of probation officers defined).

C. 23 (statutes defining juvenile dependency and delinquency, amended).
Washington. St. 1909.

C. 249 (criminal law codified into a code of 444 sections); among the noticeable measures are these:

§§ 7, 31 (an accused's inability to comprehend the nature or the wrongness of his act "shall be no defense; nor shall any testimony or other proof thereof be admitted"; but the court, if it judges him unable to understand, etc., may direct him "to be confined for treatment" in a state hospital or in the insane ward of the penitentiary.

§§ 29, 30 (indeterminate sentences and release on parole provided for).

§ 34 (habitual criminals shall be given not less than 10 years' imprisonment.

§ 35 (sterilization of rape-offenders).

§§ 80-82 ("graft" defined and penalized).

§ 101 (perjury in the second degree; the subject of the perjury need not be "material").

§ 105 (prevarication included in perjury); and various other expanded definitions of crime to suit new conditions.

C. 190 (Juvenile Court provided; statutes of 1905, c. 18, and 1907, c. 110, amended and re-enacted).

Wyoming. St. 1909.

C. 84 (indeterminate sentence and releases on parole authorized).

Legislation of 1910.—[The State Legislatures which meet in 1910 have not yet published the laws enacted. Beginning with the November number, they will be noticed in this JOURNAL as soon as they appear.] J. H. W.