

1911

Recent Legislation Relating to Crime and Criminal Procedure

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Recommended Citation

Recent Legislation Relating to Crime and Criminal Procedure, 2 J. Am. Inst. Crim. L. & Criminology 77 (May 1911 to March 1912)

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RECENT LEGISLATION RELATING TO CRIME AND CRIMINAL PROCEDURE.¹

LEGISLATION OF 1910.

COLORADO. *Extraordinary Session, 1910, Seventeenth General Assembly.*

None.

GEORGIA. *General Assembly, 1910.*

No. 440, August 12 (p. 80), amending statute of August 14, 1908, as to the mode of employing prison labor on farms.

ILLINOIS. *Forty-sixth General Assembly, Special Session, 1910.*

February 26 (p. 9), amending statute of June 15, 1909, as to expenditures of the Consolidated Board of Charities.

KENTUCKY. *General Assembly, 1910.*

Chapter 15, March 16 (p. 58), amending statute of March 5, 1908, by reorganizing the two penitentiaries, one to be used only for convicts over 30 years of age and for habitual criminals; prisoners to be instructed, credited with earnings, etc.

Chapter 16, March 16 (p. 61), to revise the Parole Act (Stats. 1903, Ch. 97, Art. 2) in various radical details.

Chapter 58, March 22 (p. 189), to define the crime of abortion.

Chapter 76, March 23 (p. 226), to punish persons contributing to juvenile delinquency; repealing statute of March 19, 1908, on the same subject.

Chapter 77, March 23 (p. 228), to amend statute of March 19, 1908, Section 3, by adding volunteer probation officers for juvenile delinquents and by increasing salaries.

Chapter 80, March 23 (p. 233), to revise the law for truant school children.

LOUISIANA. *General Assembly, 1910.*

No. 59, June 29 (p. 103), to extend the time for the reports of the Commissions on Codes of Criminal Law, Criminal Procedure, and Criminal Correction until the next regular session.

No. 167, July 6 (p. 251); No. 287, July 7 (p. 488); No. 288, July 7 (p. 489); No. 295, July 7 (p. 499), and No. 307, July 7 (p. 524), to extend the definition and penalties of various crimes connected with prostitution, "white slave" traffic, etc.

No. 253, July 7 (p. 420), and No. 264, July 7 (p. 454), to revise the method of committal of insane persons; accused persons found insane are to be committed to a state hospital until cured.

No. 48, June 29 (p. 72), and No. 135, July 5 (p. 211), suspending the operation of Statute No. 83, June 30, 1908 (Juvenile Courts), for parishes outside New

¹In this JOURNAL for July, 1910, (Vol. I, No. 2, p. 148), was given a summary of the legislation for 1909. The states here represented are those which held legislative sessions in 1910.—EDS.

LEGISLATION RELATING TO CRIME

Orleans until accepted by vote of any such parish, and submitting to popular vote in November, 1911, a constitutional amendment ratifying the system.

Extra Session, 1910, and Second Extra Session, 1910.

None.

MARYLAND. *General Assembly, 1910.*

Chapters 683, 477, 595, 668, 660, 607, 46, 25, 503, 381 (pp. 86-98), amending Article XXVII of the Code ("Crimes and Punishments") as to the crimes of child-abandonment, embezzlement, oleomargarine, trade-names, child labor, kidnaping, pandering (including "white slave" traffic), railway-track mischief.

Chapter 732 (p. 99), empowering the National Junior Republic to receive juvenile delinquents.

Chapter 345 (p. 217), authorizing the draft Criminal Code to be submitted to a commission for approval before final action by Assembly.

MASSACHUSETTS. *General Court, 1910.*

Chapter 122 (p. 81), amending statute of 1909, Chapter 504, Section 106, as to insane convicts; also Chapter 345 (p. 346).

Chapter 424 (p. 362), enlarges the definitions and penalties for crimes connected with prostitution.

Resolves (Ch. 59, p. 830) to appoint a commission of five for investigating "the question of the increase of criminals, mental defectives, epileptics, degenerates and allied classes" to report by January 15, 1911.

MISSISSIPPI. *Special Session of the Legislature, 1910.*

Chapter 112, April 6 (p. 96), creating the office of county prosecuting attorney.

Chapter 186, March 21 (p. 194), increasing the penalty for unlawful sale of cocaine to a maximum of ten years.

Chapter 371, April 9 (p. 315), authorizing the penitentiary board to employ convicts on state land in farm work.

NEW JERSEY. *One Hundred and Thirty-fourth Legislature, 1910.*

Chapter 10, March 14 (p. 24), enlarging the definition and penalties of crimes connected with prostitution.

Chapter 52, March 29 (p. 74), amending Section 8 of the State Prison Act of 1876, concerning insane convicts.

Chapter 54, March 29 (p. 76), to pay to discharged convicts their prison earnings.

Chapter 72, April 1 (p. 101), to establish a state reformatory for women.

Chapter 161, April 9 (p. 271), to amend the definition of rape.

Chapter 182, April 9 (p. 300), to supplement the Juvenile Court Act of April 8, 1903, by providing a house of detention for awaiting trial, instead of the police station.

NEW YORK. *One Hundred and Thirty-third Session of the Legislature, 1910.*

Chapter 346, May 21 (p. 611), Code of Criminal Procedure, Section 483, as to probation of adults, amended; powers of courts enlarged; restitution or reparation to injured person, or support of family may be made a condition of suspension of sentence or of probation.

Chapter 131, April 21 (p. 231), Consolidated Laws, Chapter 40, statute of 1909; Chapter 88, Section 1746, relating to the sale of cocaine, amended.

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Chapter 382, June 6 (p. 709), Penal Code, Article 106; Chapter 618, June 23 (p. 1585), amending Consolidated Laws, Chapter 40, Section 2460; Chapter 619, June 23 (p. 1588), amending Consolidated Laws, Chapter 40, Section 1146; prostitution and allied matters (including the "white slave" traffic) more strictly regulated.

Chapter 557, June 21 (p. 1274), amending Penal Code, Section 836, as to proceedings with insane persons under charge of crime.

Chapter 559, June 21 (p. 1332), Section 198, Children's Court provided in the charter of New Rochelle.

Chapter 609, June 23 (p. 1562), Code of Criminal Procedure, Sections 718, 903, 910, amended; a judgment in a criminal case may require a defendant to make restitution or reparation or to support family, as in Code of Criminal Procedure, Section 483, Ch. 346, above; a defendant paroled may be bound out in service till majority, if under age, or for one year, if over age.

Chapter 610, June 23 (p. 1563), Code of Criminal Procedure, Section 11a, amended; probation system revised.

Chapters 611, 612, June 23 (p. 1568), Children's Court established for Monroe County.

Chapter 613, June 23 (p. 1567), laws of 1909, Chapter 56, Section 30, for the State Board of Probation, revised.

Chapter 659, June 25 (p. 1774), Inferior Criminal Courts Act for New York City, in 115 sections; includes jurisdiction of offenses, Children's Court, adult probation, etc.

Chapter 669, June 25 (p. 1926), Consolidated Laws, Chapter 43, on prisons, amended by inserting Section 211a, altering the period at which parole may be granted.

Chapter 676, June 25 (p. 1952), Children's Court and probation provided for Syracuse.

Chapter 699, June 25 (p. 2017), Consolidated Laws, Chapter 40, amended by inserting Section 494, making parents, etc., chargeable with crime for contributing to a child's delinquency.

OHIO. *Seventy-eighth General Assembly, 1910.*

April 8 (p. 50), to define pandering and increase the penalties for crimes related to prostitution and "white slave" traffic.

April 25 (p. 132), to amend General Code, Sections 12672-3, by increasing the penalties for sale of cocaine without prescription.

May 13 (p. 227), to punish more rigorously the making of false statements in commercial enterprises.

May 17 (p. 263), to increase the penalty for kidnaping.

OKLAHOMA. *Extraordinary Session of Second Legislature, 1910.*

Chapter 6, February 9 (p. 6), to require convict-made goods to bear a label.

Chapter 52, March 5 (p. 85), to penalize the sale of cocaine without prescription.

Chapter 55, March 11 (p. 90), to establish a state home for dependent children, 19 sections; Juvenile Court is to make commitments.

Chapter 63, March 16 (p. 107), to prohibit pandering and suppress the "white slave" traffic.

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PORTO RICO. *Second Session of the Fifth Legislative Assembly, 1910.*

No. 57, March 10 (p. 160), to revise Sections 1-3 of statute of March 12, 1903, relating to the employment of convict labor on roads.

RHODE ISLAND. *January Session, General Assembly, 1910.*

Chapter 550, April 20 (p. 56), to amend General Laws, Chapter 139, by adding Section 10, making it a crime to contribute to a child's delinquency or dependency.

Chapter 551, April 20, (p. 57), to amend General Laws, Chapter 140, on the same subject

Joint Resolution No. 14, April 29 (p. 312), to appoint a committee to revise the criminal laws, to report by February 1, 1911.

SOUTH CAROLINA. *General Assembly, 1910.*

No. 284, February 23 (p. 553), to penalize various frauds connected with life insurance.

No. 281, February 24 (p. 545), to penalize a husband or father failing to provide family support.

VIRGINIA. *General Assembly, 1910.*

Chapter 157, March 14 (p. 245), to amend statute of April 2, 1902, as to the custody of delinquent and dependent children and the power of societies incorporated for the purpose.

Chapter 260, March 16 (p. 374), to authorize the reduction of sentences for good behavior while in jail and to authorize the county board to frame rules for such reduction, etc., subject to the approval of the county judge, city judge, and city council.

Chapter 306, March 16 (p. 466), to amend statute of February 5, 1892, authorizing the adoption of children without consent of delinquent parents.

Chapters 320-1, March 17 (pp. 492-4), to amend code, Sections 1682, 1687, as to the mode of treatment of accused persons or convicts who are insane.

Chapter 319, March 17 (p. 491), to amend code, Section 1660, for building separate hospitals for the criminal insane.

Chapter 347, March 17 (p. 570), to make it a crime to contribute to a child's dependency or delinquency.

Chapter 348, March 17 (p. 571), to adopt for the death penalty the method of execution by electricity.

J. H. W.