APPENDIX B

Release After Commitment

Once imprisonment has begun, the possibility of character deterioration as a consequence thereof has also begun. In every state the deterioration can be stopped because the imprisonment can be terminated before expiration of the period specified in the sentence by the governor or by a specially created board. The variant extent to which such boards are given power to act is shown in the following statutes. In some states, as in Alabama, Iowa and Minnesota, immediate release is permitted if the parole board thinks wise. In others, such as Connecticut, Georgia, or New York, immediate release appears possible, though the statute is not precise. In Delaware it is permitted under certain limited conditions. In others, such as Indiana and Wyoming, prisoners in certain institutions, but not those in others, can be immediately released. In the great majority of jurisdictions, however, boards are not authorized to release until a specified period of imprisonment has elapsed. In none of the statutes is the authority to release expressly predicated upon the danger of character degradation.

Alabama. Code (1940) tit. 42, sec. 1 ff. The board of pardons and paroles is “charged with the duty of determining what prisoners serving sentences in the jails and prisons of this state may be released on parole and when and under what conditions.” There appears to be no limitation upon the promptness with which the board may act.

Arizona. Code Ann. (1939) sec. 47-110 ff. The board of paroles may release any prisoner confined upon an indeterminate sentence whose minimum term of imprisonment has expired.

Arkansas. Digest of Stats. (1937) sec. 12734. The board may release on parole after service of the minimum sentence, or one-third
of a definite sentence. Persons confined in the boys' industrial school may be paroled at any time.

_California._ Penal Code (1941) sec. 3049. In general, board of prison terms and paroles may release from confinement after at least half the minimum term of sentence has expired, but numerous collateral provisions require longer terms of imprisonment in specified types of case.

Statutes and Amendments (1941) ch. 937, sec. 1766. Convicts committed to the Youth Correction Authority may be released at any time.


_Connecticut._ Gen. Stats. (1930) sec. 6509, (1939 supp.) sec. 1470-e. "Any person sentenced to the State Prison, after having been in confinement under such sentence for not less than the minimum term" may be released on parole.

But, Gen. Stats. (1930) sec. 1998, (1935 supp.) sec. 787c provides that "Jurisdiction over the granting of, and authority to grant . . . releases, conditioned or absolute, in the case of any person confined in the State Prison . . . shall be vested in the board of pardons. Said board shall have authority to grant pardons, conditioned or absolute . . . at any time."

Gen. Stats. (1930) sec. 1830 ff. Males between sixteen and twenty-five if sentenced for less than life may be committed to state reformatory. Board of directors of reformatory may release on parole, apparently at any time.

_Delaware._ Rev. Code (1935) sec. 4150. Prisoners sentenced for a year or more may be, with some specified exceptions, paroled after one-half of the term has been served. In case of peculiar mental or physical conditions requiring special treatment, parole for that purpose may be granted at any time.

_Florida._ Stats. (1941) sec. 947.16. Persons sentenced to more than one year of imprisonment are eligible for parole after six months.

_Georgia._ Code Ann. (1933) sec. 77–504. The statute, unlike its predecessor statute, makes no requirement of a minimum term
before parole. It gives the prison and parole commission power to parole "upon the prison record of said prisoner and his history before his conviction." This may, by implication, require at least some time in prison.

**Idaho.** 1 Code Ann. (1932) sec. 19-3908. Prisoners may be paroled after service of the minimum of a sentence.

**Illinois.** Rev. Stats. (1935) ch. 38, sec. 807. (Jones Ann. Stats. 37.765.) "No prisoner . . . shall be eligible to parole . . . until he or she shall have served the minimum limit or duration of imprisonment recommended in the advisory recommendation of the court in which sentence was imposed" or in the case of sentence for a specific time, one-third of that time.

**Indiana.** 4 Stats. Ann. (1933) secs. 13-246, 13-410, 13-620, 13-712, 13-921. Prisoners in the state prison and in the prison for women can be paroled after service of a minimum sentence. Those in the state reformatory and schools for boys and girls may be paroled at any time.

**Iowa.** Code (1939) secs. 3786, 3787, 3788. The board of parole has power to parole persons committed to the penitentiary, or reformatories, and make its own rules and conditions of parole. Apparently it could, so far as the law is concerned, release without any minimum term.

**Kansas.** Gen. Stats. Ann. (1935) sec. 62-1525. The prison board is given power to parole but only after the minimum term has been served.

**Kentucky.** Carroll's Stats. (1930) sec. 3828-2. Prisoners must serve at least half of a sentence of imprisonment for less than ten years, and at least six years of a longer sentence.

Sec. 2095c-3. Youthful offenders confined in the state reformatories may apparently be released at any time.

**Louisiana.** Code of Crim. Proc. (1932) art. 725. Only persons serving indeterminate sentences may be paroled and then only after service of the minimum term.

**Maine.** Rev. Stats. (1930) ch. 147, sec. 28, as amended Laws (1933) ch. 153, sec. 1. Parole is permitted only after service of the minimum term of sentence with the deduction provided by law.
Maryland. Ann. Code (1939) art. 41, sec. 74 ff. Apparently the only parole power is vested in the governor, but he may release at any time.

Massachusetts. 4 Ann. Laws (1933) ch. 127, sec. 128 ff. Prisoners in state institutions must serve at least two-thirds of a minimum sentence before parole. It is possible to read the statute as permitting parole from jails and workhouses at any time.

Michigan. 3 Comp. Laws (1929) sec. 17543-43. (Mich. Stats. Ann. § 28.2103.) Parole may be granted only after service of a minimum sentence, unless at request of the parole board the trial judge or his successor recommends earlier release.

Minnesota. 3 Mason’s Stats. (1927) sec. 10765 ff. Except to persons serving a life sentence, parole may be granted at any time, with no requirement of minimum period of imprisonment. But sec. 10824 requires service of a minimum sentence by persons committed to the state reformatory.

Mississippi. Appears to have no parole provisions, though governor may grant a conditional pardon at any time.

Missouri. 2 Rev. Stats. (1939) sec. 9163. Apparently the paroling process is a phase of the pardoning power, administered by an advisory board. Releases could probably be made at any time if the board should choose to so advise. But sec. 9120 requires that persons committed to the reformatory must serve seven-twelfths of the time for which sentenced.

Montana. 5 Rev. Codes (1935) sec. 12264 ff. Prisoners must serve one-half the term, or a minimum term, for which sentenced.

Nebraska. Comp. Stats. (1929) sec. 29-2623. Parole cannot be granted until the minimum term of sentence has expired.

Sec. 83-1501. Certain feeble-minded prisoners must submit to sterilization before parole.

Sec. 83-1403. Females committed to the women’s reformatory may be paroled at any time.

Nevada. Comp. Laws (1929) sec. 11569 ff. The board may release on parole after one year of imprisonment, less time off for good conduct.
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New Hampshire. Rev. Laws (1942) ch. 429, sec. 22. Release on parole may be granted after the expiration of the minimum term of sentence.

New Jersey. 1 Rev. Stats. (1937) secs. 2:198-1, 30:4-145 ff, 30:4-106. The board of pardons may grant parole at any time. The board of managers of state institutions may parole only at expiration of the minimum term, but apparently an inmate of the reformatory could be released at any time.

New Mexico. Stats. Ann. (1941) sec. 42-1701 ff. Prisoners are not eligible for parole until the minimum sentence has been served.

New York. 10B McKinney's Consol. Laws Ann. (1938) sec. 212. As to persons confined under indeterminate sentence, "The time of his release shall be discretionary with the board of parole, but no such person shall be released until he has served such minimum sentence nor until he has served one year."

Under sec. 281 it is possible that persons confined in the reformatory could be released at any time. "The board of parole of a reformatory, in accordance with rules adopted by such board...may conditionally release a prisoner." No minimum time of confinement is mentioned.

Secs. 200 ff. seem to give local boards certain powers to parole at any time.

North Carolina. Code Ann. (1935) sec. 7757 (9). Parole by the governor under the statute, as distinct from his constitutional power, is permissible, when the prisoner has served one-fourth of his minimum sentence, or one-fourth of a definite one.

North Dakota. Comp. Laws (1913) sec. 11097 ff., amended, Laws (1939) ch. 130, p. 195. The board of pardons apparently can release at any time, but the statute requires application for release to be filed at least thirty days before a meeting of the board, which can consider such applications only twice a year.

Ohio. Throckmorton's Code Ann. (1940) sec. 2210. "At the expiration of the minimum sentence diminished as herein provided, each prisoner shall be eligible for parole as provided by law."

Oklahoma. Stats. (1941) tit. 57, sec. 345. Any convicted person is eligible for parole immediately.
Oregon. Comp. Laws Ann. (1940) sec. 26–2305. The board of parole may establish rules and regulations for the parole of any prisoner except fourth offenders and those sentenced to death, but persons over 20 years of age and sentenced to more than 5 years imprisonment for certain crimes must have served at least one-third of the sentence.

Pennsylvania. Purdon's Stats. Ann. (1930) tit. 61, secs. 292, 308, 570. Prisoners in the state penitentiaries must serve the minimum term of sentence, but those in the state industrial schools can be paroled at any time, subject, however, to a wait from the meeting of the board at which application is made until the next meeting.

Rhode Island. Gen. Laws (1938) ch. 617, sec. 3 ff. Prisoners in the state prison or county jails must serve at least half the period for which sentenced.

South Carolina. 2 Code of Laws (1932) sec. 3099. Parole appears to be under the governor's constitutional power and may take place at any time.

South Dakota. Code (1939) sec. 13.5301. The governor may parole a convict serving an indeterminate sentence after he has served the minimum less good time allowance, or a convict under a determinate sentence after he has served a stated proportion, depending on his age, of the sentence.

Tennessee. Michie's Code Ann. (1938) sec. 11797 (14). Prisoners must serve minimum sentence or at least one year before being paroled.

Texas. 3 Vernon's Code of Crim. Proc. (1925) art. 959. "Meritorious prisoners . . . may be allowed to go upon parole . . . subject to the provisions of this title, (apparently no time restrictions) and to such regulations and conditions as may be made by the Board of Prison Commissioners, with the approval of the Governor."

Utah. 4 Code Ann. (1943) sec. 67–0–7. Release on parole may be granted any time after conviction except when sentence is for first degree murder. There is no statutory requirement of delay resulting from formal necessities of application or consideration.
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Vermont. Pub. Laws (1933) secs. 8885, 8888. The governor may grant a conditional pardon on application of any person sentenced for the term of a year or more.

Virginia. Code (1942) sec. 1922b. In cases of conviction for misdemeanor the court may suspend any unserved portion of the sentence.

Washington. 10 Remington’s Rev. Stats. Ann. (1932) sec. 10249–2 ff. At least six months must elapse before the period of imprisonment is fixed by the board; parole may be granted at any time thereafter.

West Virginia. Code Ann. (1937) sec. 6291 (23). Prisoners not under life sentence who have not previously been twice convicted of felony are “eligible for parole at any time.”

Wisconsin. Stats (1941) sec. 57.06. Prisoners must serve at least the minimum or one-half the maximum sentence, whichever is less, before being paroled.

Wyoming. Rev. Stats. (1931) secs. 33–1303, 80–301. Convicts generally are eligible for parole only after service of the minimum sentence. Prisoners in the industrial institute can be released on parole at any time.

District of Columbia. Code (1940) tit. 24, sec. 204. “Whenever it shall appear to the Board of Indeterminate Sentence and Parole that any prisoner serving an indeterminate sentence is fitted by his training for release, that there is a reasonable probability that such a prisoner will live and remain at liberty without violating the law, and in the opinion of the board such release is not incompatible with the welfare of society, said Board of Indeterminate Sentence and Parole may, in its discretion, authorize the release of such prisoner on parole.” Apparently no minimum service of sentence is required.

Federal. 18 U.S.C.A. sec. 714. Every prisoner confined for a definite term of over one year, or for life, may be released on parole if he has served one-third of the time for which sentenced, or fifteen years if sentenced for life.

Sec. 723. Nothing in section 714 shall be deemed to impair the power of the President to grant a pardon or commutation.