PART II

STATUTES AND RELATED MATERIALS
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In the various compilations of this Appendix, the names of some states are absent from the list. This does not necessarily mean that there is no legislation whatever in those states relating to the particular subject matter, but rather that if there is any it does not appear to the compiler to be sufficiently pertinent or illuminating to warrant inclusion. In Arkansas and Florida, for example, there are statutory requirements that white and negro prisoners shall be kept separate. In the list of statutes relating to “Separation of Types of Prisoners” (Appendix C), it would not be accurate to list these states as having “no provision” concerning classification. Yet the provision itself has no real relation to the matter under discussion. So also in some of the states there are provisions concerning various matters which if quoted apart from their context would be misleading unless accompanied by commentary. Thus, as the purpose of these statutory references and excerpts is not the furnishing of an encyclopedic statement of the law of each state, but is rather to exemplify the manner and extent to which certain philosophies of treatment have been expressed in legislation, the policy was followed of simply omitting from each list those states in which nothing sufficiently illuminating was found.

In listing the statutes which follow, no attempt has been made to determine their constitutional validity. For example, an early Alabama statute on suspension of sentence by the court was held to be an unconstitutional attempt to transfer to courts the pardoning power granted by the constitution to

101 Acts Extra Session (1932) p. 54.
the governor.\textsuperscript{102} The courts in a few other states have shown similar reactions. It has seemed unnecessary, however, for the purpose of this compilation, to search out the judicial decisions concerning the legislation.

Statutes pertaining specifically to the treatment of juvenile, or minor, or youthful prisoners are not generally included in this compilation, because such special provisions, by the very fact that they are special, indicate nothing, except possibly by uncertain indirection, of the state’s policies concerning convicts in general.

\textsuperscript{102} Montgomery v. State, 231 Ala. 1, 163 So. 365 (1935).