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PROPOSED YOUTH CORRECTION ACT
Report of Committee on the Youth Correction Authority Act of the State Bar Association

INTRODUCTION

This state has always recognized that violations of law committed by children of tender years ought not to be treated as criminal offenses and ought not to be punished by the usual methods prescribed by the criminal law. During the early years of the state, males under the age of 16 and females under the age of 15 were required to be sent, on conviction of a crime, to the then existing state reform school where they were to be treated not as criminals but as children needing training and correction. Much progress has since been made. The age of those affected has been increased to under 18 years. We have today, among other facilities, the state training school for boys and the home school for girls and a liberal and humane juvenile court act.

What is not generally appreciated is that this state did not stop with these measures. For more than fifty years there has been a clearly defined policy that older youths as well should be distinguished from the adult criminals for the purposes of the criminal law and that separate treatment should be given them. The first step in this direction came with the establishment of the reformatory at St. Cloud, Minn., in 1887. The act creating it permitted the trial court to send to the reformatory any person not less than 16 or over 30 years of age who had not theretofore been convicted of a crime. It was the clear object of the act to confer the power and responsibility for the proper treatment of the youth on those in charge of the reformatory and the object of the treatment was to be the correction and reform of the youth given to their charge. Thus the act provided:

1By Maynard E. Pirsig, Chairman of the committee.


2See the consolidating act, Laws of Minn., 1870, chap. VII. Vagrancy and incorrigible or vicious conduct were also grounds for commitment to the reform school.

3Laws of Minn., 1887, chap. 208.
"When any person shall be received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, of early social influences, as seem to indicate the constitutional and acquired defect and tendencies of the prisoner, and based upon these an estimate of the present condition of the prisoner, and the best probable plan of treatment. Upon such register shall be entered, quarterly-yearly or oftener, minutes of observed improvement or deterioration of character, and notes as to methods of treatment employed."

To enable these objectives to be achieved, the act required the sentence to be an indeterminate one not exceeding the maximum term provided by law for the crime of which the youth was convicted. The board of managers of the reformatory were to decide when the youth should be discharged and they were given the power to place him on parole under proper rules and regulations.

This act was a notable step. But it was not the only one. In 1899, statutory recognition of probation was introduced. It was on a limited scale. It applied only to counties having a population over 50,000. The significance of it is, however, that probation was provided especially for youths, namely those under 18 years of age. The age was increased to 21 in 1903. Here again was recognition of the need for special consideration and treatment of the problems of the youth offender.

Since these original steps were taken, probation and parole have come to be recognized as important tools in the sound administration of the criminal law generally. A probation act applicable to all criminals irrespective of age has been in force since 1909. Special acts applicable to the larger counties have been enacted in more recent times. Parole has been extended to most crimes irrespective of the age of the criminal involved. Moreover, the courts of the state have disregarded the restrictions on those to be sent to the reformatory for men and have sent criminals there of all ages and irrespective of whether they had prior convictions or not. This received limited legislature sanction in part in 1939 by the removal of the older age limit.

The effect of these later developments has been that procedures and facilities originally intended to apply to youth offenders only

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4 Laws of Minn., 1887, chap. 208, sec. 15.
5 Laws of Minn., 1899, chap. 154.
6 Laws of Minn., '1903, chap. 270.
7 Laws of Minn., 1909, chap. 391.
8 Laws of Minn., 1939, chap. 383.
have been extended to all criminals. In that process, since youth
and adult criminals are now treated by the same personnel and
facilities, the policy of the state, that it should give special atten-
tion to its youth who are convicted of crime and take advantage
of the greater possibilities of correction and rehabilitation, has
been largely lost sight of. None would deny that that policy is as
sound today as it was fifty years ago. Yet, in the administration of
criminal justice in this state today, it is not as clearly perceived as
it was when the statutes of 1887 and 1899 were enacted. The re-
port of the committee, which appears below, indicates that this
state needs to reconsider its program for youth offenders, par-
ticularly for those 18 years of age or older.

Public concern over the current problem of juvenile delinquency
is probably due in part to doubts over the effectiveness and adequacy
of present facilities and administration. Because the problem is not
one of interest to the legal profession alone, and because considerable
interest has been shown in the activities of the committee it was
thought that its report should be printed here in such form that
it might be more readily available to the public generally. The re-
port offers a concrete program of action that might properly be
given consideration by others as well as by the bench and bar.

The report deals primarily with youth offenders between the
ages of 17 and 25 years. The proposed act does not affect those
under 18 who come before the juvenile courts except to provide
greater probation and pre-sentence investigation facilities to ju-
venile courts. The juvenile court act now exists which provides for
special treatment of youth delinquents. In the view of the com-
mitee the major weakness in our present criminal law administra-
tion relates to those youth who do not come within the purview of
the juvenile court act.

The committee was originally created two years ago to con-
sider the Youth Correction Authority Act as drafted by the Ameri-
can Law Institute. That act applies only to those under 21. The
committee began its work and conducted much of its research on
the assumption that whatever it recommended would similarly be
restricted. But as preliminary drafts of the committee's proposed
act were given circulation criticisms came in that the scope of the
act was too narrowly restricted and that the problem of the youth
offender does not stop at the age of 21. As indicated above the
act creating the reformatory for men fixed the age at 30. In addi-
tion, it was pointed out that one of the major values of the act
would be in providing needed facilities for dealing with young dis-
charged servicemen convicted of criminal offenses and that for this purpose an older age should be fixed. The weight of these considerations led to fixing the maximum age at under 25.

It should be made clear that the report as here presented is the report of the committee only. It will be submitted to the State Bar Association at its annual meeting in July. Not until it has been acted upon favorably by the association should the report be regarded as expressing the views of the bar of the state.

REPORT OF THE COMMITTEE

This committee was created by the State Bar Association pursuant to the resolution at the last annual meeting of the Association for the purpose of examining the provisions of the model Youth Correction Authority Act proposed by the American Law Institute. The model act, in brief, sets up an agency and empowers it to take control of youths under the age of 21 who have been convicted of designated crimes after a trial by the normal criminal procedure. The model act does not affect those subject to the jurisdiction of the juvenile court. In this State, it would cover those over the age of 17 and under the age of 21. It covers the late adolescent period as distinguished from the earlier adolescent age. At its last meeting, the State Bar Association endorsed the principles of the model act, namely that in the treatment of youth offenders, emphasis should be upon rehabilitation and reform rather than upon punishment as such. The task assigned to the committee was to determine whether the model act as recommended should be proposed for this state or whether some modification thereof should be undertaken. For reasons which follow, the committee has concluded that a modification of the act adapted to existing conditions in this state is to be preferred. The model act contemplates variety and flexibility in the use of medical, psychiatric, psychological, and educational treatment and the use of social case work in the attempt to rehabilitate and reform youths convicted of crime and within the age stated. Such a program may well have its advantage and would unquestionably make use of the latest scientific knowledge and theories about the causes of and remedies for criminal conduct. California, in 1941, enacted most of the provisions of the Youth Correction Authority Act. The success of the program in that state is indicated by its further development and extension through legislation in 1943 and by communications to this committee from those in intimate contact with the development in that state. This committee, however, believes that for the present, it would be wiser
for this state to proceed with an extension and improvement in the facilities with which the state is now familiar, to retain the advantages which experience has shown to be inherent therein, and to undertake to bring about the more effective use of available facilities for the treatment of youth offenders by a better unification and coordination of them. The Act drafted by the Committee and submitted herewith proceeds upon this basis.

THE YOUTH OFFENDER PROBLEM

Even before the present war directly affected this country, crimes committed by our youth presented a major and national problem. The problem was as present in this state as elsewhere. The Bureau of Criminal Apprehension, reporting for the year 1941, had this to say “Considering new and old subjects together, records received from Minnesota police agencies indicate that persons of 19 years were most frequently fingerprinted in 1941. This age group was followed by those of 18, 21, 20, 23, 22, and 24 years, respectively. Similarly, in 1940, persons of 18 years appeared most frequently, this group was followed by those of 23, 21, 19, 20, 22, and 24 years, respectively.” Combining the years 1939, 1940, and 1941, the Bureau found that when new subjects are considered, “18 years is the most frequent age, 19 is next, 20 next, 21 is in fourth place, and the last three are 23, 22, and 24.” “Over 800 youthful persons under 20 were arrested in Minnesota during 1941 and 944 in 1940, these arrests constituted between 14.0 and 14.4 per cent of all the cases.”

Again in its report for the year 1943, the Bureau said “Considering new and old subjects together, records received from Minnesota police agencies indicate that persons of 18 years were most frequently fingerprinted in 1943. This age group was followed by those of 19, 20, 17, and 21, respectively. Similarly, in 1942, persons of 19 years appeared most frequently, this group was followed by 18, 20, 21, and 22. Age 17 was represented in the five most common ages in 1943, it will be noted.”

Notwithstanding the fact that most of our male youth over 17 years of age is now entering the armed services and that employment is consuming the energies of many of those not going into the services, current discussions by those in immediate contact with the problem reveal that the problem continues to remain a major one. Over 150 male youths of the age of 21 or under were admitted to the reformatory and state prison in the year 1943. This information was obtained at a time before it was decided that the proposed act should be extended to cover those up to the age of 25.
and the experience following the last war give every indication that we will be facing an aggravated problem of youth delinquency following the conclusion of the present war. It is vitally important that the state be prepared to meet this situation by taking adequate preliminary steps to meet it.

Youth of the adolescent age present problems not to be found in the adult population. They have great sources of energy and strong emotional reactions. Outlets for their energies have not been fixed and hardened. The irresponsibility and irrepressibility of childhood has not yet disappeared. Unless directed and controlled, their energies and emotional activities may find their outlets in crime instead of in the normal socially approved conduct. At the same time, youths of this age are confronted with some of the major decisions of their lives. Their school work has normally just ended. They must readjust from the routine of school work to the pursuit of some gainful employment. Many find themselves rudely shaken in their ambitions and their hopes not realized. Combine this with harmful home and community environment and resort to crime as the easy way out is too often the likely result.

The records of a few cases taken from the reformatory at St. Cloud will illustrate the background of some of our criminal youth.

CASE NO. I.

Age—19.
Crime—Robbery, third degree.
Plea—Guilty.
Sentence—0-10 years.

Previous Convictions:
Two speedings, one in one community, the other in another.
Both resulted in fines.

Reputation of Family:
Home conditions and environment exceptionally good.

Reputation of Inmate:
"Has had many advantages and opportunities. Associates were usually of good character. Reports are all favorable. Fairly good worker. Very good student in school."

Narrative of Crime:
Went skating. He and accomplices decided to hold up an oil station. With drawn guns, inmate and accomplices held up attendant. They divided the money obtained between them.
Admits one similar robbery.
Reformatory Remarks:
Excellent attitude and cooperation. "Appears to be very remorseful over this incident and cannot reason out a good motive for his actions. Apparently he comes from a very good home."
I. Q—120.
One year college completed.

CASE NO. II.

Age—20.
Crime—Robbery in second degree.
Sentence—2 to 3 years.

Previous Convictions:
1939—Drunkenness. Fined.
1939—Drunkenness. Jailed over night.
1940—Drunkenness. Ninety days in jail.

Family Reputation
Parents O. K. Inmate did not get along with father. Resented his authority. Mother usually took inmate’s part. Cousin in reformatory twice before. Uncle arrested for drunkenness.

Reputation of Inmate
Drank to excess which usually got him into trouble. Very dull and easily led. Associates are undesirable. Had very little schooling and as a result, cannot read.

Narrative of Crime
Been drinking. Tried to get whiskey from bootlegger who refused to give it to him on a charge account. Got into scuffle in which inmate took a billfold from the bootlegger with large amount of money in it. As inmate and his accomplice left, took two cases of whiskey.

Remarks at Reformatory
"Liquor at root of trouble."
"Not much appreciation of the seriousness of his situation, deficiencies, or needs."
"Mentally inferior and has developed serious delinquency habits and tendencies. Unless there is a radical change, will be in further trouble."
I. Q.—82—Dull normal.
CASE NO. III.

Age—20.
Crime—Escaping from work farm.
Plea—Guilty.
Sentence—0-1½ years.

Previous Convictions:
1938—Probation for shoplifting.
1939—Burglary, third degree. Sentenced to work farm. Paroled after seven months.
1941—Carnal knowledge. Committed one year. Released by court after four months.
1942—Grand larceny, second degree. Committed for one year. Escaped, 1942, with present sentence resulting.

Reputation of Family:
Parents separated. Mother probably living with another man under “common law” marriage. Home and environment poor. Both parents drink excessively. Mother has lived with several men since separation.

Reputation of Inmate:
Drank to excess at times. Poor student. Irregular attendance at school. No ambition, unreliable and irresponsible. Had very little home training or supervision.

Work:
Shoe shining. Irregular and odd jobs.

Narrative of Crime:
Planned escape with another but got caught immediately. His partner was successful.

Remarks at Reformatory:
“Attitude and cooperation were all right. No good home bringing up—both parents drank and otherwise unstable. Has been thrown in with undesirable associates and environment.”
I. Q.—90—Dull.

Given school training at reformatory. Physical education program and reading.

“Short term and educational achievement make general work most advisable. Suggest shoe shop as a possible alternative.”

Maximum custody and supervision.

These relatively few examples point to what the committee is assured by those in charge of the reformatory exists in the large majority of cases. Sixty to seventy per cent of the inmates have less than normal intelligence. Large numbers of them come from
communities and families from which one could hardly expect a mentally healthy youth to develop. Broken homes, conflict, antagonism, and strife within the family, drunkenness and dissolute conduct by one or the other or both of the parents, general neglect of the youth in his childhood, poverty, lack of employment, these are the typical backgrounds of those that make up the bulk of the inmates within the age group here discussed. Criminality and general disrespect for law and order are almost the inevitable results of such conditions. The combination of inadequate mental equipment and hopeless and degrading community conditions are in a large degree responsible for our criminal youths who themselves are hardly aware of the fountain source of their criminal conduct.

The various penal institutions have very generously given to the committee a list of the crimes committed by youths under 21. Those for the reformatory and prison appear as follows:10

**State Reformatory**

**Homicide**
- Murder, first degree ........................................ 1
- Murder, second degree ..................................... 1
- Manslaughter, first degree ................................ 2
- Manslaughter, second degree ............................. 4

**Sex Crimes**
- Rape .................................................................. 8
- Attempted rape ................................................ 1
- Carnal knowledge ............................................. 19
- Attempted carnal knowledge ............................. 1
- Indecent assault ................................................ 7

**Crimes Involving the Acquisition of Property**
- Robbery, first degree ....................................... 37
- Robbery, second degree .................................... 16
- Robbery, third degree ....................................... 6
- Grand larceny, first degree ............................... 34
- Grand larceny, second degree ............................ 71
- Burglary, first degree ....................................... 1
- Burglary, second degree .................................... 2
- Burglary, third degree ....................................... 67
- Using auto without owner's permission.............. 62
- Forgery, first degree ........................................ 1
- Forgery, second degree ..................................... 19
- Forgery, third degree ....................................... 3

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10See footnote 9.
### Homicide
- Murder, first degree: 4
- Murder, second degree: 9
- Murder, third degree: 1
- Manslaughter: 1

### Sex Crimes
- Indecent assault: 1

### Crimes Involving the Acquisition of Property
- Robbery, first degree: 5
- Robbery, second degree: 3
- Robbery, third degree: 2
- Burglary, first degree: 1
- Burglary, third degree: 4
- Grand larceny, first degree: 2
- Grand larceny, second degree: 4
- Using auto without owner's permission: 4
- Forgery, second degree: 1

**Total:** 26

From these figures, it is evident that the great proportion of crime committed by youth involves the acquisition of property. When one considers that these youths come from homes of limited means and low moral standards, it may be gathered that their crimes represent their misguided solution of personal problems which they felt unable or unwilling to meet by legitimate methods.

The foregoing information corresponds to a very high degree with the facts found in an extensive research made of the inmates of the Massachusetts Reformatory by Sheldon and Eleanor T. Glueck and recorded in their publication entitled *500 Criminal Careers*. A careful and exhaustive study was made by them of each of approximately 500 inmates. Their history and background were carefully examined as was their conduct after their discharge from the reformatory or from parole. Probably no more complete study of the conduct of criminals after their release has ever been made. It revealed that the large majority of the inmates came from families with criminal histories, dependent economically, uneducated, and with poor work habits. Abnormal home conditions and broken homes were common. About 70 per cent had less than normal intelligence; 21 per cent were feeble minded. This study revealed that almost 80 per cent of those studied committed further known crimes within five years after their discharge.

The committee does not suggest that similar conclusions should
be drawn with respect to those who have been discharged from the institutions in this state, but the resemblance between the group studied by the Gluecks and that found in our institutions is striking and compels the conclusion that better means should be provided than now exist for examining the results of our present methods of handling our convicted youths.

**Present Treatment of Youth Offenders**

At the present time, the provisions of our laws for treatment of youths over 17 are the same as those for adults generally. So far as our penal laws are concerned, a criminal over the age of 17 is deemed to be an adult. No doubt our courts, probation and parole officers, and penal institutions recognize, in the course of their work, the greater possibilities existing for the rehabilitation of youth offenders. Our statutes also contain some provisions especially applicable to youths under 21 years of age. Thus confinement in our jails separate and apart from adult inmates is required. Pardons extraordinary were made available in 1941 to those under 21. At an early date, probation facilities were extended to youths to a degree not available to adult criminals. In general, however, the facilities available for the treatment of our youth, and the treatment in fact given, are no different than those existing for other criminals.

The agencies now dealing with youth convicted of felonies are as follows:

*The District Courts.* Each district court judge of the state must decide when a youth appears before him convicted of a felony what his sentence shall be. Where probation officers are available, the judge may, and commonly does, ask for and receive a report after investigation from a probation officer as to the past record and background of the convicted youth. Since probation facilities are available primarily in the larger counties, the judge in other counties must often determine his sentence largely from information obtained in the court room.

*Probation officers and departments.* We have had probation in this state since 1899. In that year a statute was enacted providing for probation officers in counties over 50,000 population to whom a child under 18 might be committed. In 1903, the age limit was increased to 21 at which age it has remained.

In 1909 a general probation statute was enacted which authorized the court to place any person convicted of a crime carrying a prison sentence of not more than 5 years on probation if "by reason
of the character of such person, or the facts and circumstances of his case, the welfare of society does not require that he shall suffer the penalty imposed by law for such offense so long as he shall thereafter be of good behavior." The convicted person was to be placed under a probation officer where such an officer existed and in other counties under "some discreet person" serving without pay. In 1921 the crimes covered were extended up to those carrying a prison sentence of 10 years and also extended probation to sentences to the work house, county jail, or work farm. In 1923 a probation officer was provided for by statute for Ramsey County. Similar action was taken in regard to Hennepin County in 1929. Finally in 1933, five probation officers were added to the State Board of Parole to operate on a statewide basis.

At present there are qualified probation officers in the three larger counties and possibly two others. These are appointed by and are under supervision of the district court. In addition, there is the equivalent of five probation officers functioning under the State Board of Parole and operating on a statewide basis. All deal with both youth and adult criminals. The probation facilities in the larger cities are more adequate than in the rural areas. Five probation officers for the rest of the State is patently inadequate. For the rural districts, probation is in many instances under the supervision of someone willing to serve without pay. Such probation, in the large majority of cases, cannot serve its real function. However laudable it may be for a private citizen to offer his services without charge, in the great majority of cases he will not be equipped to conduct that responsibility with any measure of success. Successful probation requires trained men and women experienced in handling criminals and particularly young offenders. One without such qualifications may do far more harm than good.

Penal institutions. There are three major penal institutions to which those over 17 years of age and convicted of a felony may be sent. These are the State prison at Stillwater, the reformatory for men at St. Cloud, and the reformatory for women at Shakopee. The reformatory for men is the principal institution to which male offenders under 21 are committed. The population as of December, 1943, included approximately 375 inmates who at the time of their admission to the institution were 21 years of age or under. The total population at that time was about 750.

The reformatory was established in 1887 and opened in 1889. At that time, men could be committed to it who were between the
ages of 16 and 30 and who were first offenders. Its creation was in line with the movement then current which emphasized the importance of reformatories rather than prisons. With the establishment of the institution, the indefinite sentence was introduced in this state. The laws relating to the reformatory remained unchanged until 1939, at which time they were amended so that any male person could be committed to it who was not less than 16 years of age and who had been convicted of a crime other than murder in the first or second degree. The requirement that commitments to it be limited to first offenders remained in the law.

The men's reformatory was thus originally intended for young, first offenders, undoubtedly on the theory that they are more susceptible to rehabilitation and correction than older, hardened criminals. The limitation, however, to first offenders appears quite generally to be ignored. At the reformatory in December, 1943, there were 19 inmates who were 21 years of age or under at the time of their admission, and whose sentences expressly covered a prior conviction. Examination of the records also indicated that there were many others with prior convictions.

There are to be found, therefore, in the reformatory today, not only youthful first offenders, but hardened adult criminals as well.

A classification system is in operation at the reformatory. On admission a study is made of the inmate's family, work, school, and criminal history. Psychiatric examinations are given to determine his mental ability. On the basis of this study, the inmate is assigned to a particular type of available work under maximum, medium, or minimum supervision and security. In given instances, particularly where the inmate is a youth, training is given in school work which may lead to high school graduation. Correspondence courses in university work beyond this are available. The records of the data so gathered form an invaluable source of information for the study of the causes of crime of which little, if any, use appears to have been made except by those in charge of the reformatory.

Our inspection of the reformatory indicates that the spirit and program of the institution is animated by a very real desire to improve the lot and outlook of those confined there. Its activities in the field of education in particular are praiseworthy. However, no special and separate program has been developed for the youth offenders who are confined there.

The state prison and its program exist essentially for adult criminals. Excluding those committed for life, who would not be
affected by the Act proposed by the committee herein, in January, 1944, but 29 inmates were 21 years of age or under when committed. Only 7 youths under that age were committed in 1943.\textsuperscript{11} Since the great majority of our criminal youth is sent to the State reformatory for men, discussion of the state prison in this report is unnecessary. The proposed Act would affect the state prison to an insignificant degree only.

The reformatory for women was opened in 1920. There were in 1943 but a total of 45 of all ages confined in the institution. Because of the small number committed to it within the age group here considered, and because of the special problems involved in an institution for women, it will not be considered further.

\textit{State Board of Parole.} This board was established as an independent agency in 1911. Before that, the release of inmates of our penal institutions from confinement before expiration of the term of sentence was passed upon originally by the governing boards of the penal institutions and later by the State Board of Control. As thus administered, parole has existed in this State since 1887. Parole is part and parcel of the indeterminate sentence. It is designed to promote the easier and proper readjustment of the criminal from institutional life to his return to participation in the affairs of society. Rehabilitation and reform are among its basic purposes.

All criminals over the age of 17 confined in our penal institutions, with minor exceptions, thus come under the jurisdiction and control of the parole board which determines whether and when an inmate shall be released from the institution and what conditions shall be imposed during his supervision under parole.

There are eleven parole and probation agents under the direction of the parole board. They care for both parolees and those put on probation. Since 1935, they also conduct pre-sentence investigations for the courts when requested to do so. As of the present time, excluding those in the armed services, there are approximately 700 persons under their supervision. The more normal load is represented by those under supervision as of July 1st, 1942 when they totaled 1209. Two agents are stationed at the reformatory at St. Cloud and the prison at Stillwater, for the purpose of examining the inmates and their records and history preparatory to consideration for their parole. They also do a limited amount of supervisory work within the immediate territories. Another acts for the state at large in supervision of the

\textsuperscript{11}See footnote 9.
limited number of women on probation or parole. Four others are stationed at the central office of the board at St. Paul. The remaining four are stationed respectively at Brainerd, Rochester, Detroit Lakes and Mankato.

This committee is not in a position, nor is it its function, to pass judgment upon the quality of the work done by the parole board. It may accept the claim of the board made in its last biennial report that it stands among the six best in the country. Descriptions of its procedures reveal a careful examination of each case prior to the granting or denial of parole or discharge and that it carries out its functions in as complete a manner and extent as limited funds and personnel permit. The method employed is essentially to prescribe modes of conduct for persons under its supervision which are designed to remove them from temptation to further criminal conduct. The threat of immediate incarceration in a penal institution serves as a powerful incentive to compliance with the prescribed conduct.

The literature available to the committee however, discloses no special program of supervision or special consideration of the problems of the youths that come before it. They are subject to the same rules and regulations and type of treatment and supervision as those prescribed for adults.

Weaknesses in Present System

The Youth Correction Authority Act approaches the problem of youth delinquency from the standpoint of re-education and shifting of the youth's point of view away from that which led to the crime. The program it contemplates seeks to develop an acceptance of the standards and ideals of a good citizen of the community. Correction rather than merely suppression of criminal habits and attitudes is what it aims to achieve. These aims have the endorsement of the State Bar Association at its last meeting.

The Youth Correction Authority Act also proceeds on the belief that these aims cannot be achieved without a specialized personnel which understands the problems of youth, knows how to win its cooperation and respect and has the facilities with which to carry out the necessary corrective treatment on a single consistent coordinated plan. With this the committee agrees. It further submits that, from its examination of the situation in this state, as to youths over 17 years of age, there is among existing agencies but limited recognition of the special problems of youth
Our examination of the situation in this State discloses several major weaknesses in the treatment of our youth offenders over the age of 17. These weaknesses may be listed as follows:

1. The fact has already been commented upon that throughout our methods of dealing with youths only limited consideration appears to be given to the fact that they represent not only peculiar problems but also greater possibilities for rehabilitation. This is true both in and out of our penal institutions. Only in our juvenile court system is special recognition given to the problems of juvenile delinquency. Only those under 18 come under its purview. This committee does not believe that our youths cease being youths at the age of 18, and believes that we should extend our recognition of their special problems into later years, as provided by the proposed Act.

2. The records at the reformatory for men disclose a wide disparity of sentences among those committed for identical crimes. Lengths of sentences imposed in many instances have no relation whatever to the crimes committed or to the character or record of the offender. Hardened criminals may receive a light sentence for a given crime in one part of the State while youths from another part receive a severe sentence for a first sentence involving the same crime. In a recent aggravated example, two inmates were admitted at the reformatory for men on the same day. One was a hardened criminal with a long record of crime and with several terms served in penal institutions in other states. He received a sentence of one year to the reformatory for the crime of burglary. Admitted to the reformatory on the same day was a youth of 16 from another part of the state who was being committed for robbery, his first criminal offense. He received a 5 year sentence. In one of the judicial districts having more than one judge, two youths were convicted in separate trials before different judges for having committed together a criminal offense. One received a sentence of one year, the other a sentence of 3 years to the reformatory. In another instance the leader and instigator of the crime received a suspended sentence of 6 months to the reformatory, while his companion, whom he induced to go with him, received a sentence of 2 years in the reformatory. A boy who has relatives or friends in a position to intercede for him, or who has an attorney, oftentimes gets a lighter sentence than the friendless youth. These constitute but a few examples. County
attorneys, probation officers, penal institutions, and others, could multiply these examples many fold.

Youth offenders, especially in our penal institutions, inevitably compare sentences, and when such disparity occurs, resentment and a brooding sense of injustice on the part of those whose sentences are the most severe inevitably result. Plainly the disparity in sentences presents a serious obstacle to the rehabilitation and correction of the youth involved and presents serious problems for the penal institutions. A youth offender who can point to an unexplainable discrimination against him is less likely to abandon his anti-social views which led him to the crime he committed and to accept the standards of society which discriminated against him.

The discrepancy in sentences is no reflection upon the courts of this State. It is the inevitable product of the system. There are some 50 district court judges in this state, and each must fix the sentence according to his own judgment. Diversity among the resulting sentences can hardly be avoided. The severer sentences can be corrected by parole, but there is no means of increasing the extremely light sentence. Under present laws, the judge may fix a maximum term less than that fixed by the statute. Even parole, however, does not adequately offset the harm done by the differences in sentences which inmates of our institutions find existing among them.

Absolute uniformity in sentences imposed for a given crime is, of course, not the sole objective, but differences in sentences should have some relation to the actualities of the respective cases and should not depend upon the particular views of individual judges or upon the fortuitous circumstance that different judges happen to be imposing the sentences. The recommended act creates a single body to which the function is assigned of prescribing the proper treatment called for by the individual case. This will make possible a consistent policy and a sound decision based on actual observation of results over a period of time.

(3) Outside the major counties, facilities for adequate probation are lacking. This has already been commented upon. It may be added that some of our youths in all probability are being sent to penal institutions because adequate probation facilities do not exist which enable the judge to place a youth on probation. The extension of an adequate probation staff throughout the State would not only make it possible to save many of our youths from careers of crime but would make it possible for our courts
to obtain an investigation and report on the individual youth offender prior to sentencing. The Act proposed will extend these facilities not only to the district courts but to the juvenile courts throughout the State which do not now have probation officers available, and which are so badly in need of them if they are to serve their real function in the administration of the juvenile court act.

(4) Coordination of effort among the various agencies now dealing with our youth is practically non-existent. The court first decides whether or not probation shall be granted. If probation is denied, the court determines the maximum period for which the institution to which the youth is sent shall keep him. This, of course, must be done without benefit of the experience of the institution in dealing with him. That experience may show the period to be wholly inadequate. The institution in turn must accept all comers and fit them into its program. The parole board determines when he shall be released and a new personnel then assumes control over him. The plans and programs of the courts, of probation officers, of institutions and of the parole board are, for the most part, independent of each other and make difficult if not impossible any consistent treatment of the youth delinquent. The system may be adequate enough for adult criminals. It is not adequate for a program of rehabilitation and correction of youth offenders.

(5) Youth offenders and hardened criminals are sent to and intermix in the same penal institution. This is particularly true at the reformatory which has, of course, nothing to say as to who shall be sent there. This is certain, almost, to expose the youth offender to the deteriorating influence of the older criminal. However carefully an institution is run, contact and a measure of intermixing between the youth and the hardened criminals is inevitable.

The Proposed Act

It might be possible to bring about some improvement here and there in existing agencies by particular and limited measures. But we believe a more aggressive program directed to the heart of the problem is needed if substantial improvement is to be made in our methods of dealing with youth offenders. What is called for is a co-ordinated system of treatment directed specifically at youth offenders and the problems they present and made available throughout the state. It is not possible to do this on a local
or county-wide basis. The number of cases within a county are too few to permit the employment of the needed personnel, to say nothing of more expensive methods of treatment calling for institutional care. It is necessary therefore to create a state agency charged with the responsibility of carrying out the needed program, but making use of such local facilities as may exist for the purpose.

The act recommended herewith by the committee accordingly creates a division of the parole board to whom all youths convicted of a felony or gross misdemeanor and not put on probation by the courts are committed automatically for treatment. The division of the board after investigation then determines what shall be the treatment to be administered. It may grant probation, or commit to a penal institution. It may ask the cooperation of the penal institution in developing special procedures and methods of dealing with youths committed to the institution. At the appropriate time it may grant what is the equivalent of parole. Whatever is done from the time of conviction to discharge would be part of a single consistent plan directed specifically to the rehabilitation of the youth involved. The Act would also make available additional pre-sentence investigation facilities to the district courts where youths are involved. As previously stated, it would also make available to the juvenile courts probation services throughout the State.

Such an agency could also develop modes of treatment intermediate between parole and probation and which now do not exist. It could for example permit selected youths to engage in gainful employment but to live in dwellings organized more or less on a co-operative dormitory plan under the supervision and control of a resident agent of the agency. Educational features could be incorporated into the plan. This would be but adopting the Borstal system of England, the forestry camps plan of California, the Virginia system of dealing with youth under 18 years, and others of a similar character which have met with outstanding success. One year under such a plan would do more for the correction of a criminal youth than five years of the usual institutional life.

It will be noted that the act extends to youths up to the age of 25. The Youth Correction Authority Act goes only to age 21. This committee recommends the higher age in order to cover the youths who will be returning from the armed services. Our experience at the end of the last war demonstrated that the readjust-
ment from military service to civilian life inevitably results in increased crime among the returning youths. The committee believes that this state owes it to its returning soldiers to provide facilities in such cases that will give full recognition to the special problems they present. It believes that an organization specially equipped to deal with youths is required to deal adequately with the problems involved.

The committee is confident that the program contemplated by this proposed act would save large numbers of our youth that have become involved in crime. It would also make possible for the first time a thorough study of the problem of youth delinquency and the causes and remedies therefor.

Neither this plan nor any other will be successful unless those selected to administer it have the necessary qualifications. In the proposed act, the example of the California act has been followed in creating a panel which recommends lists from which the selection is to be made. This should prevent predominantly political considerations from entering into the selection. A salary also has been designated which it is believed should be provided to secure the type of men or women needed for the Division, although it is recognized that it is above the level now paid for similar state positions. The agency set up is also made a part of the State Parole Board so that their respective programs may be effectively coordinated.

In addition to the members of the Division, it is estimated that from ten to fifteen field workers, agents, etc., and necessary clerical assistance will be needed. A total annual appropriation of about $75,000 will be required to carry out the functions imposed on the Division under the act.

Whether such an expenditure is justified must be tested by what may reasonably be expected to be obtained by it. The committee is confident that the program offered by the act would divert many more of our youth from lives of crime than present facilities do and would convert them into useful citizens of the community. It would also make possible a comprehensive examination into the causes of youth delinquency and a corresponding development of more effective methods in dealing with the problem. Even from the purely financial point of view, the gain resulting from the increase in the number of useful productive citizens and from the reduction of predatory and destructive criminals and of the number of criminal inmates in our penal institutions would far outweigh the cost to the state.
Regarding the technical drafting of the act it will be observed from the notes to the various sections that the Youth Correction Authority Act and the California act, based thereon, have been heavily drawn upon whenever the provisions of these acts were of assistance in developing the plan proposed by the committee. The committee thus had the benefit not only of the work of an experienced organization but also of an act which has been in successful operation.

AN ACT CREATING A YOUTH CORRECTION DIVISION OF THE STATE BOARD OF PAROLE, PROVIDING FOR ITS MEMBERSHIP, DEFINING ITS POWERS AND DUTIES, AND APPROPRIATING MONEY FOR ITS PURPOSES.

Sec. 1—The purpose of this Act is to protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of crime. To this end it is the intent of the legislature that the Act be liberally interpreted in conformity with its declared purpose, and that if any part of the Act be held unconstitutional the remainder shall nevertheless be valid and operative.

This follows Section 1 of the Youth Correction Authority Act except that the word “crime” is substituted for the words “violation of law.” Violation of law is deemed too indefinite. The word “crime” is defined by 2 Minn. Stat., 1941, § 610.01 as “an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine, or other penal discipline.” Since we have this definition it is believed that the terminology should be adhered to. This substitution is continued throughout the succeeding sections. The California act has substituted the words “public offense” for that in the Youth Correction Authority Act.

Sec. 2—This Act shall apply only to crimes committed subsequently to the date upon which it becomes effective.

This adopts Section 2 of the Youth Correction Authority Act and Section 1702, the corresponding section of the California act.

Sec. 3—The State Board of Parole is hereby directed to create a division of the Board to be known as the Youth Correction
Division, whose function shall be to provide and administer preventive and corrective training for persons committed to the Board, as hereinafter provided, and which is hereinafter called the Division.

The Youth Correction Authority Act creates a separate board. This proposed Act incorporates its administration in the parole board. The 1943 amendment of the California act calls the agency simply "Youth Authority."

Sec. 4—The Division shall consist of three members. A majority shall constitute a quorum.

Section 5 of the Youth Correction Authority Act deals with the same subject matter.

Sec. 5—Of the three positions on the Division, the first shall be held ex officio by the chairman of the State Board of Parole, who shall divide his time between the duties of such position and his duties as chairman of the State Board of Parole. The second and third positions shall be filled by the State Board of Parole from the list of persons recommended therefor by the advisory panel for those positions.

This is an adaptation of the California act, Section 1712.

Sec. 6—The following persons are hereby constituted the advisory panel. The president of the Minnesota Probation and Parole Association, the president of the Minnesota Conference of Social Work, the president of the Minnesota State Bar Association, the president of the District Judges Association, and the president of the County Attorneys Association. Three members thereof shall constitute a quorum.

This, and the succeeding sections through Section 9, follow the California act with the following modifications. The presidents of the state medical association and of a prison association are not included. The president of the County Attorneys Association has been added. The provision as to quorum is taken from Section 1716 of the California act.

Sec. 7—It shall be the duty of the advisory panel to make recommendations to the State Board of Parole of persons qualified to fill the second and third positions on the Division. The panel
shall recommend at least three persons, who meet the qualifications of this Act, for each position to be filled.

Sec. 8—Within thirty days after the effective date of this Act, the Secretary of State should notify each member of the panel by registered mail to meet in the office of the Secretary of State at the State Capitol in St. Paul, Minnesota, at 10:00 A.M. on the third Monday after the date of the notice. Upon such day the advisory panel shall hold its first meeting. Subsequent meetings shall be had as the panel shall provide and as may be necessary for the performance of its functions.

The Secretary of State shall notify members of the advisory panel at least sixty days prior to the expiration of the term of any member of the Division holding the second and third positions as herein provided of the expiration of such terms. In the case of a vacancy in said positions occurring other than by the expiration of a term, the Secretary of State shall within ten days notify the members of the advisory panel of such vacancy. If the panel fails to transmit its recommendations to the Board of Parole within sixty days after notice by the Secretary of State as herein provided, the State Board of Parole may appoint any qualified person to the positions without such recommendation.

This is taken from Section 1714 of the California act with substantial modifications.

Sec. 9—The members of the advisory panel shall receive their necessary expenses in connection with their duties under this Act.

Sec. 10—All appointments to a vacancy occurring in the second and third positions, occurring by reason of any cause other than the expiration of a term shall be for the unexpired term. Each member shall hold until the appointment and qualification of his successor.

This adopts part of Section 6 of the Youth Correction Authority Act and all of Section 1717 of the California act.

Sec. 11—The term of office of members of the Division holding the second and third positions shall be for four years, except that initially one shall be appointed for a four year term and the other for a two-year term. Members shall be eligible for reappointment.

The California act provides for terms of four years, the Youth Correction Authority Act, for nine years.
Sec. 12—All persons appointed to the Division shall, in so far as possible, have legal and administrative ability, educational experience, and experience in the study of youthful offenders and in planning corrective training and treatment for such offenders. A person peculiarly well qualified for such appointment may be appointed, even though such person is not, at the time of the appointment, a resident of this State.

This incorporates Section 1721 of the California act.

Sec. 13—Members of the Division holding the second and third positions shall receive a salary of $6,000 per year.

This incorporates Section 1722 of the California act except that the salary is reduced from $10,000 to that stated. $6,000 is considered necessary to attract the kind of person needed for the successful operation of the Act although it is recognized that it is out of line with prevailing state salaries.

Sec. 14—The members of the Division shall elect one of their number as chairman of the Division for a period of two years.

See Section 10 of the Youth Correction Authority Act. The California act provides for annual election by the Division with repeated election of the same person permitted.

Sec. 15—The State Board of Parole may remove any member of the Division holding the second and third positions for misconduct, incompetency or neglect of duty, after serving charges in writing upon such member and affording him an opportunity to be heard.

This adopts Section 1724 of the California act. The Youth Correction Authority Act permits removal only by the procedure available for the removal of judges of the highest court of the state.

Sec. 16—To the extent that necessary funds are available for the purpose, the Division may employ and discharge all such persons as may be needed for the proper execution of its duties. Such employment and discharge shall be in accord with the civil service laws of this state. Probation and parole agents and other facilities of the State Board of Parole may be made available by the Board to the Division on such terms and conditions as the Board may fix.

This adopts Section 2 (c) of the Youth Correction Authority and Section 1752 (c) of the California act.
Sec. 17—Every order granting probation to, committing to an institution, granting and revoking parole and issuing final discharge to any person under the control of the Division shall be made by the Division, and the Division may not delegate the making of such decisions to any other body or person.

All other powers conferred on the Division may be exercised through subordinates under rules established by the Division. Any person subjected to an order of such subordinates may petition the Division for review. The Division may review such orders under appropriate rules and regulations.

This incorporates Section 1767 of the California act which is more detailed and explicit that the corresponding provisions of Section 30 (2) (3) of the Youth Correction Authority Act.

Sec. 18—No person may be committed to the Division until it has certified in writing to the Secretary of State that it is prepared to discharge its duties and functions and has filed certified copies thereof in the office of the clerk of the district court in each county. Before such filing a judge in any county shall, upon conviction of a person under twenty-five years of age at the time of his apprehension, deal with him without regard to the provisions of this Act.

This is an adaptation of Section 11 of the Youth Correction Authority Act.

Sec. 19—When in any criminal proceeding in a court of this state a person has been convicted of a felony or gross misdemeanor for which the judge has power under Section 20 to commit to the Division, the judge of that court shall determine whether the person was less than twenty-five years of age at the time of the apprehension from which the criminal proceeding resulted. Proceedings in a juvenile court in respect to a juvenile are not criminal proceedings as that phrase is used in this Act.

This incorporates Section 12 of the Youth Correction Authority Act with the age increased to 25 years. It appears as Section 1731 of the California act.

Sec. 20—After a certificate has been filed with the clerk of the district court of any county as provided by Section 18, the district court of such county shall commit to the Division every person convicted of a felony or gross misdemeanor who is found to be less than 25 years of age at the time of his apprehension and who
is not sentenced to imprisonment for life, or in a county jail for
90 days or less, or to a fine only. Such commitment shall be for the
maximum term provided by law for the crime for which such
person was convicted. Execution of sentence may be stayed by the
court and the defendant placed on probation. Such probation shall
not be granted until an investigation and recommendation shall
have been made by the probation officer of the court, if there be
one, otherwise by the Division, concerning the advisability and
terms thereof, but the granting or denial and the terms of proba-
tion shall be within the discretion of the court. If probation is
granted, the court in its discretion may place the defendant under
the supervision of the Division. Otherwise such probation may be
granted pursuant to law without regard to this Act.

The first part of this section follows substantially
Section 1731.5 of the California act. The latter part respect-
ing probation is new but is suggested by the proposed federal
act which provides for recommendation of a board before
final sentence.

Sec. 21—A person, who is convicted of a felony or gross mis-
demeanor and who is found to be less than twenty-five years of age
at the time of apprehension, may not be imprisoned in any place
which has been disapproved for that purpose by the Division.

This is an adaptation of Section 1732.4 of the California
act with an important modification. The California act,
following the language in Section 13 (1) of the Youth
Correction Authority Act, permits imprisonment only in
approved places. The above provision prohibits imprison-
ment in disapproved places. The purpose of the change is
a practical one. As the California and model acts are drawn,
no jail in the state could be used until approved. This might
leave the state without places of imprisonment or as an
alternative the approval by the Division of places it feels
should not be approved. As drawn, the burden is on the
Division to determine that a place is unsatisfactory for con-
fine of a youth.

Sec. 22—When a judge commits a person to the Division
the judge may order him conveyed forthwith to some place of
detention approved or established or designated by the Division
or may direct that he be left at liberty until otherwise ordered
by the Division under such conditions as in the judge's opinion
will insure his submission to any orders which the Division may
issue.
This adopts Section 18 of the Youth Correction Authority Act and Section 1738 of the California act. The words "or designated" have been added. The thought in mind is to make clear where the defendant is to be sent by the court upon commitment to the Division.

Sec. 23—When a court commits a person to the Division such court shall at once forward to the Division a certified copy of the warrant of commitment.

This follows Section 1740 of the California act. It modifies Section 20 of the Youth Correction Authority Act by requiring a certified copy instead of a notice in writing.

Sec. 24—When a person has been committed to the Division it shall, under rules established by it, forthwith examine and study him and investigate all the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of this Act. The court and the prosecuting and police authorities and other public officials shall make available to the Division all pertinent data in their possession in respect to the case.

The first sentence adopts Section 28 (1) of the Youth Correction Authority Act and Section 1761 of the California act. The second sentence follows Section 21 of the Youth Correction Authority Act. The California act, Section 1741, has added considerably further detail and provisions as to the officials to whom it applies and the nature of the information required, and providing for reports on forms furnished by the Division.

Sec. 25—When a person has been committed to the Division it may (a) place him on probation under such supervision and conditions as it believes conducive to law-abiding conduct; (b) order his confinement to such reformatory, state prison, jail, or other place of confinement to which he might have been sentenced by the court in which he was convicted except for this Act. Such reformatories, state prisons, jails or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court; (c) order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct; (d) order reconfinement or renewed parole as often as conditions
indicate to be desirable, (e) revoke or modify any order except an order of discharge as often as conditions indicate to be desirable; (f) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

The control of the Division shall cease at the expiration of the maximum term provided by law for the crime for which such person was convicted and he shall thereupon be entitled to a discharge in any event whether on probation, parole or under confinement.

This adopts with substantial changes Section 30 (1) of the Youth Correction Authority Act and Section 1766 of the California act. Subdivision (a) provides for probation, subdivision (b) for commitment to an existing institution, and subdivision (c) for parole. As thus drawn it corresponds more closely with recognized existing practices in this state than the proposed Youth Correction Authority Act: The difference from present practices is primarily in shifting the determination of these matters from the court and the present parole board to the Division. Subdivision (f) provides for discharge. In effect, it is a termination of the sentence determined at the end of corrective treatment rather than at the beginning. In any event its control ends with the expiration of the maximum term which the sentence carries or on the defendant's 25th or 30th birthday. See Section 33. The last sentence of subdivision (b) is taken from Section 25 (5) of the Youth Correction Authority Act, and Section 1755 of the California act.

The last sentence of this section has been added since commitment to the Division under this Act as drawn is for an indefinite term not exceeding the maximum fixed by statute for the crime involved.

Sec. 26—As a means of correcting the socially harmful tendencies of a person committed to it, the Division may (a) require participation by him in vocational, physical, educational and corrective training and activities, (b) require such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare.

This adopts Section 31 of the Youth Correction Authority Act and Section 1768 of the California act with subdivision (c) thereof omitted.

Sec. 27—The Division may enter into agreement with the appropriate probation officers or other public officials for separate care or special treatment, in existing public institutions or otherwise, of persons subject to the control of the Division.
This adopts the last sentence of Section 25 (1) of the Youth Correction Authority Act and Section 1753 of the California act.

Sec. 28—Any person committed to the Division from a county having a probation officer of the district court may be placed on probation by the Division only under the supervision of such probation officer who shall assume such supervision as though it were pursuant to a judgment of the district court. Such probation officer shall cooperate with the Division in providing treatment for such person consistent with the purposes of this Act, but nothing herein shall give the Division direction or control over such probation officer or require him or his subordinates to perform duties not otherwise required by law If parole is granted by the Division to such person after confinement to a penal institution, it may be conditioned on like supervision with the consent of the district court of such county.

This is new. It is designed to maintain the use of present local probation facilities where they are available and at the same time enable such use as a part of a coordinated system of treatment of youth.

Sec. 29—The Division is hereby given the right to inspect all public institutions, agencies and departments whose facilities it is authorized to utilize and shall be given reasonable opportunity to examine or consult with persons committed to the Division who are for the time being in the custody of an institution.

This adopts the substance of Section 25 (4) of the Youth Correction Authority Act and Section 1757 of the California act.

Sec. 30—Nothing herein shall be taken to give the Division control over existing facilities, institutions or agencies, or to require them to serve the Division inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities.

This adopts part of Section 25 (2) of the Youth Correction Authority Act and Section 1754 of the California act.

Sec. 31—The Division shall make periodic re-examinations of all persons within its control for the purpose of determining whether existing orders and dispositions in individual cases should
be modified or continued in force. These examinations may be made as frequently as the Division considers desirable and shall be made with respect to every person at intervals not exceeding two years.

This incorporates Section 28 (2) of the Youth Correction Authority Act and Section 1762 of the California act except that the California act requires examinations every year.

Sec. 32—The Division shall keep written records of all examinations and of the conclusions predicated thereon and of all orders concerning the disposition or treatment of every person subject to its control.

This copies Section 28 (3) of the Youth Correction Authority Act and Section 1763 of the California act.

Sec. 33—Unless previously discharged under the provisions of this Act the Division shall discharge the defendant from its control and give him his liberty on his twenty-fifth birthday if he was under the age of 21 years at the time of his apprehension and on his thirtieth birthday if he was over such age unless the Division shall determine that such discharge at that time would be dangerous to the public in which event the Division shall terminate its control in the following manner:

1) If he be then on probation under the supervision of the probation officer of a district court, the future control and disposition of the case shall be in all respects as though such probation were under the order of said court; (2) if he be then on probation, but not under the supervision of a local probation officer, or if he be on parole, control of him shall be transferred to the state parole board who shall thereupon assume like control over him as though he were on parole following sentence of a court for a maximum term provided by law for the crime for which he was committed, (3) if he be then confined in a penal institution, the control of the Division shall cease and such confinement shall be upon like terms and conditions as though it had been under sentence of court for the maximum term provided by law for the crime for which he was committed.

The function of the Division is to deal with youth. The maximum sentences under which youths will be committed to it will sometimes be for long terms. If they remained for that length of time under the control of the Division, it would mean that in time substantial numbers of adults would be under the control and direction of the Division.
This would be outside its purpose. Hence, the above section provides the means by which its control shall terminate at his twenty-fifth or thirtieth birthday, depending on his age at the time of his apprehension, by transferring him to the jurisdiction of the district court or to the parole board or, if he is confined, leaving it to the parole board under existing law for further action.

Sec. 34—In addition to the powers now conferred by 2 Mason Minn. Stat., 1927, sec. 8648, the juvenile court of any county not have a probation officer shall have the power, in its discretion and with the consent of the Division, to place any child, whom it has adjudged delinquent as defined in 2 Mason Minn. Stat., 1927, sec. 8636, in the care or custody of the Division on such terms and conditions as the court may prescribe. The Division shall not have power by virtue thereof to place such child in any penal institution. Such juvenile court may also request, and it shall be the duty of the Division to make, an investigation and recommendation to the court, either before or after the hearing, respecting the proper disposition which should be made of such child.

This will extend the probation facilities of the Division to the juvenile courts and is regarded as one of the important provisions of the Act.

Sec. 35—The care, custody or control of any delinquent child which has been committed to it by a juvenile court shall cease on the 21st birthday of such child.

This corresponds to a similar provision in the existing juvenile court law.

Sec. 36—If a sentence of imprisonment for life is imposed upon a person under twenty-five years of age at the time of his apprehension, and if before he reaches the age of twenty-five, the Board of Pardons commutes the sentence by committing him to the Division, the Division shall assume control over him pursuant to the provision of this Act.

This incorporates Section 14 of the Youth Correction Authority Act.

Sec. 37—Whenever the Division is of the opinion that there are grounds for believing that a person committed to it is insane, or a psychopathic personality as defined in Laws of Minn., 1939, chapter 369, sec. 1, the Division may institute, or cause to be instituted, proceedings in the probate court of the county in which
such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the state asylum for the dangerous insane or to a state hospital for the insane in the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his commitment to the Division has expired, he shall be returned by the director of public institutions to the Division for such further disposition or treatment as is provided by this Act.

Similar provisions now exist with respect to penal institutions. See Minn. Stat., 1941, sec. 253.21.

Sec. 38—The right of a person who has been convicted of a crime to a new trial or to an appeal from the judgment of conviction, or to stay of judgment of sentence or to admission to bail shall not be affected in this chapter.

This follows neither Section 19 of the Youth Correction Authority Act nor Section 1739 of the California act, dealing with the same subject matter. The California act adds the words, “to a new trial” to subdivision (1) of the Youth Correction Authority Act, adopts subdivision (2) thereof substantially unchanged, and subdivision (3) is rewritten so as to permit bail as provided in their penal code or to leave the defendant at liberty under conditions insuring cooperation in expediting the appellate proceedings and submission to the Division at the proper time. The Youth Correction Authority Act follows the Model Code of Criminal Procedure adopted by the Law Institute in 1930. It is believed advisable to leave matters relating to appeals unaffected. Sections 632.02 and 632.03 of 2 Minn. Stat., 1941, and the common law rules covering stay deal with the matter of bail on appeal.

Sec. 39—Whenever a person, who has been committed to the Division upon conviction of a crime, shall be discharged from its control other than by expiration of the maximum term of commitment as provided by this Act, or under the provisions of Section 33, such discharge shall have the effect, when so ordered by the Division, of restoring such person to all civil rights and shall have the effect of setting aside the conviction and nullifying the same and of purging such person thereof and such person shall never thereafter be required to disclose the conviction at any time or place other than in a criminal proceeding thereafter instituted against him.
This follows the language of Section 638.02, 2 Minn. Stat., 1941, providing for a pardon extraordinary for minors.

Sec. 40—The Division shall cooperate with existing agencies, and encourage the establishment of new agencies, whether statewide or local, having as their object and purpose the prevention or decrease of delinquency among youth. It shall report annually to the Governor upon its work including therein the number of persons committed to it, the number upon probation or parole, the number confined by it in penal institutions of the state, such information as it may have as to the causes of delinquency among youth, and such other information relative to its activities as it may consider desirable or useful to the public. It may also include in such report recommendations and suggestions for the prevention or decrease of such delinquency among youth. Such reports may be published by the Division and upon publication, they shall become public records accessible to the public.

This is suggested by Section 1752.5 of the California act. In addition, the above section requires annual reports which is suggested by the Judicial Council Act of this state.

Sec. 41—The written order of the Division certified by the chairman of the board shall be sufficient authority to any peace officer, or to any parole and probation or other supervising agent of the Board of Parole including the Division, to retake and place in actual custody any person under the control of the Division. But any such parole or probation agent may, without order or warrant, when it appears to him necessary in order to prevent the escape or enforce discipline take and detain such person and present him before the Division for its action.

This adopts in substance a similar provision in sec. 637.06 2 Minn. Stat., 1941. The California Legislature in 1943 Laws of Cal., Chap. 238, added a provision to their act similar to the one here recommended. It also adds this provision: “The Authority may suspend, cancel, and revoke any parole without notice, and may order returned to the custody of the Authority any person committed to it who is upon parole.” It is believed that this is sufficiently covered by Section 25 above.

Sec. 42—The Division is authorized to make and enforce all rules appropriate to the proper accomplishment of its function.

This is adopted from Section 23 of the Youth Correction Authority Act and Section 1751 of the California act.
Sec. 43—The Division is limited in its expenditures to funds specifically made available for its use.

This is adopted from Section 22 of the Youth Correction Authority Act and Section 1750 of the California act.

Sec. 44—There is hereby appropriated the sum of $75,000.00 for the year ending June 30, 19__, and $75,000.00 for the year ending June 30, 19__—

Sec. 45—All laws inconsistent with this Act are hereby repealed.

ACT INCREASING SALARY OF CHAIRMAN OF STATE BOARD OF PAROLE

2 Mason Minn. Stat., 1927, sec. 10769 as amended by Laws 1931, chap. 161, sec. 3, is hereby amended to read as follows “The salary of the chairman of the state board of parole shall be the sum of $6,000 per annum, payable as hereinafter provided, which salary shall cover also his duties as member of the Youth Correction Division of the board.”

(The rest of the section will read as it now does.)

12 If it was the opinion of the committee that, if the chairman of the parole board was selected by the Division as its chairman also, the combined duties of both positions placed responsibilities and burdens upon him not shared by the other members of the Division and, hence, that a somewhat larger salary ought to be allowed him. Since, however, the chairman of the Division cannot be known until the selection is made as provided by the Act, the salary has been fixed in the above section at the same amount as that provided for the other members of the Division.