

CHAPTER 68.

Of the Commutation of Sentences.

SECTION

- 1.—Every prisoner may earn certain commutation.
- 2.—Any number of convictions shall be construed as one continuing term.
- 3.—Term shall begin from date of incarceration.
- 4.—Forfeiture of commutation for breaking prison.

SECTION

- 5.—Commutation on account of sickness.
- 6.—Record of commutation.
- 7.—The Governor may allow the amount of commutation earned.
- 8.—Condition attached to commutation.
- 9.—Certificate of Superintendent shall be evidence, &c.

1. Every prisoner confined in the Penitentiary, on a conviction of a felony or misdemeanor, where the term or terms equals or equal one year, may, by good behaviour, diligence and industry, earn for himself a commutation or diminution of his sentence or sentences, as follows, namely: one month each, for the first and second years; three months each, for the third and fourth years; and four months for each succeeding year.

2. Where any prisoner in the Penitentiary is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term, for the purpose of estimating the amount of commutation which he may be entitled to under the provisions of this chapter

3. For the purposes of this chapter, the term of imprisonment of each prisoner shall begin on the date of his actual incarceration in said Penitentiary.

4. Every prisoner who escapes, attempts to escape, breaks prison, attempts to break prison, breaks out of his cell, or makes any breach therein with intent to escape, or assaults any officer or servant of the Penitentiary, shall forfeit the whole of such remission or commutation which he has earned.

5. If any prisoner, by reason of sickness or any other infirmity, not intentionally produced by himself, is unable to labor, he shall be entitled by good conduct, to one-half the remission from his sentence to which he would otherwise be entitled.

6. The Superintendent of the Penitentiary shall keep a record setting forth the amount of commutations earned by every prisoner, according to the rules and regulations respecting the discipline and general management of the Penitentiary which have been or which shall be hereafter made and prescribed by the Governor; and a statement shewing the amount of such commutation, earned by each prisoner as aforesaid, shall be transmitted by the said Superintendent to the Attorney General (to be

by him submitted to the Governor) not less than ten days before the day which would be the day of the discharge of such prisoner if the amount of commutation were allowed.

7. The Governor, upon the receipt of the said statement in the preceding section mentioned, may in his discretion allow the amount of commutation therein stated, as earned as aforesaid, and direct a warrant to the Superintendent of the Penitentiary for the discharge of such prisoner.

8. The Governor shall, in commuting such sentences as aforesaid, annex to such commutation a condition to the effect following, that is to say: That if any prisoner, whose sentence shall have been so commuted, shall, during the period between the date of his discharge, by reason of such commutation, and the date of the expiration of the full term for which he was sentenced, be convicted of any felony, he shall, in addition to the penalty which may be imposed for such felony, be compelled to serve in the Penitentiary the remainder of the term without commutation which he would have been compelled to serve but for the commutation of his sentence as provided by this chapter.

9. The certificate of the Superintendent of the Penitentiary, setting forth the crime of which such prisoner was convicted, the length of the term of imprisonment imposed, the amount of commutation granted to such prisoner, and the date of the discharge of such prisoner from the Penitentiary, shall be received as evidence for the purposes mentioned and described in section eight aforesaid.
