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Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Short title.

SEC. 108. This Act may be cited as the "Legislative Branch Appropriation Act, 1948".

Approved July 17, 1947.

[CHAPTER 263]

July 17, 1947
[H. R. 494]
[Public Law 198]

AN ACT

To reorganize the system of parole of prisoners convicted in the District of Columbia.

Board of Parole, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Board of Parole for the penal and correctional institutions of the District of Columbia is hereby created to consist of three members appointed by the Commissioners of the District of Columbia, one of whom shall serve on a full-time basis and be designated by the Commissioners as Parole Executive. The other two members shall serve without compensation, one of whom shall be elected Chairman of the said Board. The Board of Parole shall select its own Chairman and shall have power to establish rules and regulations for its procedure.

Rules and regulations.

Transfer of powers, records, etc.

Infra; post, p. 379.

SEC. 2. Upon appointment of the members of the Board of Parole, the powers of the Board of Indeterminate Sentence and Parole created by the Act of July 15, 1932 (ch. 492, 47 Stat. 696, title 24, D. C. Code, sec. 201), not specifically repealed by this Act, shall be transferred to and vested in the Board of Parole. The officers and employees of the Board of Indeterminate Sentence and Parole, except the members thereof, together with all official records, furniture and supplies, and all unexpended balances of any appropriations, shall be transferred to the Board of Parole. It shall be the duty of the parole executive to prepare for the consideration of the Board of Parole all applications of prisoners for parole in such form and at such times and together with such information and records as the Board of Parole may require, to perform such administrative duties as the Board may prescribe, and to supervise prisoners on parole in accordance with the terms and conditions prescribed by the Board. The Department of Corrections, and all other agencies and officials of the District shall cooperate with the Board and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties: *Provided*, That confidential information and records shall not be required to be produced.

Duties of parole executive.

Cooperation of other agencies, etc.

Confidential records, etc.

SEC. 3. Section 4 of the Act of July 15, 1932 (ch. 492, 47 Stat. 697; title 24, D. C. Code, sec. 204), as amended by the Act of June 6, 1940 (ch. 254, 54 Stat. 242), is amended as follows:

Parole of prisoner.

"SEC. 4. Whenever it shall appear to the Board of Parole that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his release is not incompatible with the welfare of society, and that he has served the minimum sentence imposed or the prescribed portion of his sentence, as the case may be, the Board may authorize his release on parole upon such terms and conditions as the Board shall from time to time prescribe. While on parole, a prisoner shall remain in the legal custody and under

Custody, etc.

the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence without regard to good time allowance."

Application for reduction of minimum sentence.

SEC. 4. When by reason of his training and response to the rehabilitation program of the Department of Corrections it appears to the Board that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, and that his immediate release is not incompatible with the welfare of society, but he has not served his minimum sentence, the Board in its discretion may apply to the court imposing sentence for a reduction of his minimum sentence. The court shall have jurisdiction to act upon the application at any time prior to the expiration of the minimum sentence and no hearing shall be required.

Jurisdiction of court.

SEC. 5. Section 6 of the Act of July 15, 1932 (ch. 492, 47 Stat. 698; title 24, D. C. Code, sec. 206), as amended by the Act of June 6, 1940 (ch. 254, 54 Stat. 242), is amended as follows:

Opportunity for hearing by retaken prisoner.

"SEC. 6. When a prisoner has been retaken upon a warrant issued by the Board of Parole, he shall be given an opportunity to appear before the Board, a member thereof, or an examiner designated by the Board. At such hearing he may be represented by counsel. The Board may then, or at any time in its discretion, terminate the parole or modify the terms and conditions thereof. If the order of parole shall be revoked, the prisoner, unless subsequently reparoled, shall serve the remainder of the sentence originally imposed less any commutation for good conduct which may be earned by him after his return to custody. For the purpose of computing commutation for good conduct, the remainder of the sentence originally imposed shall be considered as a new sentence. The time a prisoner was on parole shall not be taken into account to diminish the time for which he was sentenced.

Termination of parole, etc.

Confinement to penal institution other than D. C. institution.

"In the event a prisoner is confined in, or as a parolee is returned to a penal or correctional institution other than a penal or correctional institution of the District of Columbia, the Board of Parole created by the Act of May 13, 1930 (ch. 255, 46 Stat. 272; 18 U. S. C. 723a), shall have and exercise the same power and authority as the Board of Parole of the District of Columbia had the prisoner been confined in or returned to a penal or correctional institution of the District of Columbia."

SEC. 6. Section 9 of the Act of July 15, 1932 (ch. 492, 47 Stat. 698; title 24, D. C. Code, sec. 208), as amended by the Act of June 6, 1940 (ch. 254, 54 Stat. 242), is amended as follows:

Powers of Board.

"SEC. 9. The power of the Board of Parole shall extend to all prisoners whose sentences exceed one hundred and eighty days regardless of the nature of the offense: *Provided*, That in the case of a prisoner convicted of an offense other than a felony, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, the prisoner may not be paroled until he has served one-third of the sentence imposed, and in the case of two or more sentences for other than a felony, no parole may be granted until after the prisoner has served one-third of the aggregate sentences imposed."

Repeals.

SEC. 7. Section 1 of the Act of July 15, 1932 (ch. 492, 47 Stat. 696; title 24, D. C. Code, sec. 201), and section 2 of the said Act as amended by the Act of June 6, 1940 (ch. 254, 54 Stat. 242; title 24, D. C. Code, sec. 202), are hereby repealed.

Approved July 17, 1947.