

No. 488, S.]

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CHAPTER 504

AN ACT to amend 56.07 (9) ; and to repeal and recreate 53.43 and 56.08 of the statutes, relating to diminution of sentence, and employment and other privileges for certain prisoners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 53.43 of the statutes is repealed and recreated to read:

53.43 **GOOD TIME.** Every inmate of a county jail is entitled to a diminution of his sentence in the amount of one-fourth of his term for good behavior if sentenced to at least 4 days, but fractions of a day shall be ignored. An inmate who violates any law or any regulation of the jail, or neglects or refuses to perform any duty lawfully required of him, may be deprived by the sheriff of such good time, except that the sheriff shall not deprive him of more than 2 days good time for any one offense without the approval of the court.

SECTION 2. 56.07 (9) of the statutes is amended to read:

56.07 (9) Inmates of a reforestation camp sentenced to such camp for less than one year or in lieu of a county jail sentence shall be subject to the same diminution of time as is provided in * * * s. 53.43.

SECTION 3. 56.08 of the statutes is repealed and recreated to read:

56.08 **"HUBER LAW"; EMPLOYMENT OF COUNTY JAIL PRISONERS.** (1) Any person sentenced to a county jail for crime, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes but whenever the sheriff of the county certifies that facilities are not available, the sentencing court shall be without authority to provide that persons committed for nonpayment of a fine imposed for violation of a municipal or county ordinance may be permitted to serve their alternative jail sentence under the provisions of this section:

- (a) Seeking employment;
- (b) Working at his employment;
- (c) Conducting his own business or other self-employed occupation including, in the case of a woman, housekeeping and attending the needs of her family;

- (d) Attendance at an educational institution; or
- (e) Medical treatment.

(2) Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. The prisoner may petition the court for such privilege at the time of sentence or thereafter, and in the discretion of the court may renew his petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) The sheriff shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary the sheriff shall collect the same or require the prisoner to turn over his wages or salary in full when received, and the sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment in the hands of either the employer or the sheriff during the prisoner's term, and shall be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

(4) Every prisoner gainfully employed is liable for the cost of his board in the jail as fixed by the county board. If necessarily absent from jail at a meal time he shall at his request be furnished with an adequate nourishing lunch to carry to work. The sheriff shall charge his account, if he has one, for such board. If the prisoner is gainfully self-employed he shall pay the sheriff for such board, in default of which his privilege under this section is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay over such board payments to the county treasurer. The county board may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

(5) By order of the court, the wages or salaries of employed prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

- (a) The board of the prisoner;
- (b) Necessary travel expense to and from work and other incidental expenses of the prisoner;
- (c) Support of the prisoner's dependents, if any;
- (d) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;
- (e) The balance, if any, to the prisoner upon his discharge.

(6) The court may by order authorize the sheriff to whom the prisoner is committed to arrange with another sheriff for the employment of the prisoner in the other's county, and while so employed to be in the other's custody but in other respects to be and continue subject to the commitment.

(7) (a) If the prisoner was convicted in a justice court, a court of record having criminal jurisdiction (other than the circuit court) located in the county seat (designated for this purpose by the judges of all such courts if there are more than one) has authority and jurisdiction to make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(b) If the prisoner was convicted in a court in another county, the court of record having criminal jurisdiction referred to in par. (a) may, at the request or with the concurrence of the committing court, make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(8) The county board may by resolution direct that functions of the sheriff under sub. (3) or (5), or both, be performed by the county department of public welfare; or, if the board has not so directed, a court

of record may order that the prisoner's earnings be collected and disbursed by the clerk of court. Such order shall remain in force until rescinded by the board or the court, whichever made it.

(9) The county department of public welfare shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

(10) The sheriff may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in sub. (1) for not to exceed 5 days for any breach of discipline or other violation of jail regulations.

(11) In this section "jail" includes house of correction and workhouse, and "sheriff" includes the superintendent thereof; but in counties having a population of 500,000 or more a prisoner granted the privilege authorized by sub. (1) (except par. (e)) shall be committed to the county jail, not to the house of correction.

(12) In counties having a population of 500,000 or more any person violating the privilege granted under sub. (1) may, upon or after having such privilege revoked or withdrawn, be transferred by the county jailer to the house of correction for the remainder of the term of his sentence.

Approved September 21, 1959.
