

No. 81, A.]

[Published March 22, 1899.]

CHAPTER 28.

AN ACT to amend chapter 201a of the revised statutes of 1898, entitled "Of the State Reformatory."

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

SECTION 1. Chapter 201a of the revised statutes of 1898, entitled "Of the State Reformatory" is hereby amended to read as follows:

NAME AND OBJECTS: Section 4944a. The Wisconsin State Reformatory is hereby continued. The purposes for which it was created, and the objects to which the rules and regulations for its government, its discipline, and the exercise of all its functions should be directed, are to correct and remove those criminal or evil tendencies and influences which render the inmates confined therein a menace to society, to the end that such inmates may become good, industrious and useful citizens.

To remove criminal and evil tendencies.

ORGANIZATION: Section 4944b. The jurisdiction of the state board of control over the reformatory is established, and the powers of the board are defined by law. The board shall appoint a superintendent, assistant superintendent and steward, and fix their respective terms of office, and may appoint or authorize the superintendent to appoint such other officers, and such employes as it may deem necessary, and shall fix their compensation, prescribe their duties and provide for their removal or suspension. It may also maintain therein a manual training school, may cause the inmates to be instructed in trades, and may carry on in the institution any industry not prohibited by law, employing for that purpose the labor of the inmates confined therein.

Board of control given jurisdiction over reformatory, with power to appoint governing officials.

Three classes
of criminals
admitted to
reformatory.

WHO MAY BE COMMITTED: Section 4944c. Male persons who belong to one of the following classes may be committed to the reformatory: First:—Persons convicted the first time of a felony, that is, of an offense which may be punished by imprisonment in the state prison, and who when so convicted were not over thirty years of age, and not under sixteen years of age when committed to the reformatory; and were not convicted of murder in the first or second degree. Second. Persons of like age convicted for the first time of any misdemeanor which may be punished by imprisonment in the county jail for one year or more; and third:—Inmates of the Wisconsin industrial school for boys not under sixteen years of age when committed to the reformatory, to be selected as hereinafter provided.

Trial court
given discre-
tionary power
to sentence.

SENTENCES: Section 4944d. Any person belonging either to class one or class two aforesaid, may in the discretion of the trial court, be sentenced directly to the reformatory and may be so sentenced for a certain specific term, not less than six months, within the limits of imprisonment prescribed by law for the offense of which he is convicted, which term shall commence at the time prescribed in section 4733 of these statutes for the commencement of terms of sentences to the state prison. Or the court in its discretion may sentence any such person to the reformatory for a general or indeterminate time not less than the minimum nor more than the maximum term of imprisonment in the state prison or jail prescribed by law for the offense. The general sentence shall be substantially as follows: "You are sentenced to the Wisconsin state reformatory for a general or indeterminate term not less than.....years (such minimum for the offense) and not more than..... (the maximum).....years." Such sentences shall have the force and effect of a sentence for such maximum term subject to the power of release from actual confinement by parole or absolute discharge hereinafter conferred or by pardon.

Terms and
form of sen-
tence.

DUTY OF COURT: Section 4944e. The trial court will make careful inquiry in each case as to the age of the convict, and whether the offense which he has committed is his first offense, and will satisfy itself that he is eligible to be committed thereto before sentencing him to the reformatory.

Court to make enquiry as to age and eligibility of criminals.

TRANSFERS: Section 4944f. With the approval of the governor any inmate of the reformatory belonging to class one whose continued presence there is considered detrimental to the other inmates, may be transferred by the board to the state prison, and his original term of imprisonment shall be continued therein. Convicts in the state prison belonging to class one as aforesaid and in any county jail belonging to class two may, with like executive approval, be transferred from any of those institutions to the reformatory and may be returned to the institution from which they were respectively taken. Inmates of the industrial school for boys who have reached the age of sixteen years may also be transferred to the reformatory, by the board of control and may be retained there until they are twenty-one years of age. Or they may sooner be returned to the school or to the counties from which they were sent to the school. All such transfers shall be made in the manner prescribed by section 561jj of these statutes. In case an inmate of the reformatory becomes insane he may be removed to a state hospital for the insane, and returned to the reformatory when recovered, in the manner prescribed in said section for the removal to such hospital and return of insane convicts.

Executive approval necessary to remove detrimental inmates. State prison convicts may be transferred. Insane inmates to be removed.

RECORDS WITH TRANSFERS: Section 4944g. With each person transferred to the reformatory from any other institution as provided for in the next preceding section, there shall be transmitted by the warden or superintendent of such institution to the superintendent of the reformatory, copies of the original commitment of such person, and of his record of service, conduct

Method of transferring from other institutions.

and history, and if he be returned to the institution from whence he came, the superintendent of the reformatory shall furnish such institution with a like record of service and conduct therein and of the personal history of the convict there obtained.

Commitment papers defined. Clerk of sentencing court to notify superintendent of sentence.

COMMITMENTS: Section 4944h. When any offender shall be sentenced to the reformatory by any court, the commitment papers shall consist of the warrant of commitment, and certified copies of the information, indictment or complaint, the plea of the accused, the verdict, if there be one, and the judgment and sentence; which copies shall be delivered with the order, or warrant of commitment to the officer executing such order or warrant, and when executed by some officer other than the superintendent of the reformatory, the same shall be delivered by the officer executing the same to such superintendent. Whenever any person shall be sentenced to the reformatory, the clerk of the court or the judge or justice pronouncing the same shall forthwith notify the superintendent of the reformatory of such sentence and thereupon such superintendent or some subordinate officer of the reformatory to be designated by him shall, as soon as practicable after such notice is given, remove the person so sentenced to the reformatory. Such clerk, judge or justice shall deliver to such superintendent or to the officer thus designated by him, the order or warrant of commitment and copies of the aforesaid records, and on presentation of such order or warrant to the officer having such person in custody, the latter shall deliver him to the officer thus presenting the same. Should the reformatory be filled with inmates when any such notice is received by the superintendent, the latter shall at once inform the court or magistrate giving such notice of that fact and that the person thus sentenced cannot then be received into that institution. Thereupon the person sentenced shall be retained in the proper county jail until he can be so received. If the offense of which he is convicted is a felony the

Superintendent to notify court if reformatory cannot accommodate person sentenced.

court, may, in its discretion, commit him to the state prison, temporarily, and shall give notice of such commitment to the superintendent of the reformatory, who shall remove him to the reformatory as soon as he can be received therein. If thus committed to the state prison, copies of the above mentioned records shall be delivered to the warden, and by him forwarded to the superintendent of the reformatory when such removal is made.

CREDIT FOR GOOD CONDUCT: Section 4944i. Allowances for good conduct in diminution of the term of sentence to convicts in the state prison given by section 4928 of these statutes or by any other statute shall be made to the inmates of the reformatory, and any good time earned in either institution by inmates transferred to the other shall be allowed him in the institution to which he has been transferred.

Inmates of reformatory given allowances for good conduct accorded by section 4928.

PAROLES: Section 4944j. On recommendation of the superintendent the state board of control, may grant a parole to any inmate of the reformatory to leave the institution and go at large in case the conduct of such inmate for a reasonable time has inspired the board of control and the superintendent of the reformatory with the belief that he will be honest and industrious; provided, that some suitable employment or situation has been secured in advance for such inmate. On like recommendation the board of control may, at any time before the term of commitment of any paroled inmate expires, revoke his parole, and order his return to the reformatory. Such order may be executed by, or under the direction of the superintendent of the reformatory.

Board of control may grant parole or revoke same upon recommendation of superintendent.

DISCHARGED INMATES: Section 4944k. Upon the recommendation of the superintendent and the board of control, the governor may without the procedure required by chapter 199 of these statutes, discharge absolutely, or upon such conditions and restrictions, and under such limitations as he may think proper, any inmate

Governor, without procedure, may discharge inmates upon recommendation of superintendent and board of control.

of the reformatory belonging to class one or class two aforesaid after he shall have served the minimum term of punishment prescribed by law for the offense for which he was sentenced; and any inmate belonging to class three may be so discharged without regard to his term of service in the reformatory or elsewhere. Such discharge shall have the force and effect of an absolute or conditional pardon, as the case may be.

Provisions of sections 4490 to 4495 inclusive made applicable to reformatory.

PENALTY FOR ESCAPE: CUMULATIVE SENTENCES: Section 4944. All the provisions of section 4490 to 4495, inclusive, of these statutes are hereby extended to the Wisconsin state reformatory, and those sections shall be construed and applied as though the words "Or the Wisconsin state reformatory" immediately followed the term "state prison" in the specification or description of the offense in each section or the place of punishment therefor. The provisions of sections 4885, 4922 and 4924 are also extended to the reformatory, and the powers therein conferred upon the warden and deputy warden are hereby conferred upon the superintendent and assistant superintendent, respectively, of the reformatory. The time during which any inmate of the reformatory, who has escaped therefrom, is at large, shall not be computed as any portion of the time for which he was sentenced. Any inmate of the reformatory under sentence may be prosecuted before his discharge therefrom for any criminal offense, and if convicted thereof may be sentenced to undergo the punishment prescribed by law for such offense, to commence at the expiration of his term of imprisonment in the reformatory. If he shall be convicted of more than one offense sentences on such convictions shall be cumulative as provided in section 4733 of these statutes.

Sections 4885, 4922 and 4924 extended to reformatory.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 18, 1899.