

SECTION 40. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 54, S.]

[Published June 16, 1919.

## CHAPTER 348.

AN ACT to repeal the title of Title XXXIV; to renumber chapter 201; and to rearrange, renumber and revise the sections of said chapter relating to the state prison.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The title of the Title XXXIV of the statutes is repealed.

SECTION 2. Chapter 201 is renumbered to be chapter 53 THE STATE PRISON.

SECTION 3. Sections 4883, 4884, and 4885 are consolidated and renumbered to be section 53.01 and amended to read:

53.01 OBJECT; VENUE. (1) \* \* \* The state prison \* \* \* shall be the general penitentiary and prison \* \* \* for the punishment and reformation of \* \* \* all offenders \* \* \* committed and sentenced according to law by any court of the state of Wisconsin or any court of the United States held in the district of Wisconsin to \* \* \* imprisonment \* \* \* therein.

(2) \* \* \* For the purpose of all judicial proceedings the prison and precincts thereof shall be deemed to be within and a part of the county of Dodge, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same.

(3) \* \* \* All process \* \* \* served within the precincts of the prison, either upon convicts or upon persons or officers employed \* \* \* therein, except the warden and deputy warden, shall be served and returned by the warden or deputy warden; and all officers and employes of the prison \* \* \* are exempt from military duty, from serving on juries in any court and from any highway poll tax.

SECTION 4. Sections 4895, 4896, 4897, 4898, and 4899 are consolidated and renumbered to be section 53.02 and amended to read:

53.02 WARDEN; DUTIES, BOND, OATH AND REPORT.

(1) \* \* \* The warden shall, under the direction of the state board of control, have the charge and custody of the prison, with all lands, buildings, furniture, tools, implements, stock and provisions and every other species of property pertaining

thereto or within the precincts thereof, and \* \* \* superintend the police of the prison and discipline of the convicts. \* \* \* *He shall enforce the \* \* \* regulations \* \* \* of the \* \* \* board \* \* \* for the government of the officers and convicts of the prison; \* \* \* shall reside in the warden's residence on the prison property; and neither he nor any other officer or employe of the prison shall, directly or indirectly, have any interest or concern pecuniarily in any contract, either verbal or written, which may be entered into \* \* \* for any purposes whatever connected with the business of the prison.*

(2) \* \* \* *The warden shall take and file an official oath and \* \* \* execute and file an official bond \* \* \* in the sum of twenty thousand dollars \* \* \* with sureties approved by the \* \* \* board; \* \* \* and whenever the \* \* \* board \* \* \* deems further security necessary it may require the warden to \* \* \* execute and file an additional bond or bonds and fix the amount thereof.*

SECTION 5. Section 4901 is renumbered to be section 53.03 and amended to read:

53.03 DEPUTY WARDEN. \* \* \* The deputy warden shall perform the duties of *the* warden in the absence of that officer, \* \* \* reside within the prison grounds, \* \* \* and, under the direction of the warden, assist in administering the government and discipline of the prison; and he shall perform all the duties, \* \* \* have all the powers and be subject to all the obligations and liabilities of the warden in case of the disability of that officer or vacancy in that office.

#### CUSTODY, CARE, AND DISCIPLINE OF CONVICTS.

SECTION 6. Sections 4913 and 4914 are consolidated and renumbered to be section 53.04 and amended to read:

53.04 DELIVERY OF CONVICT TO PRISON. (1) \* \* \* The sheriff of each county shall convey to the state prison \* \* \* every person \* \* \* convicted in his county and sentenced to be confined in said prison as soon as may be after such conviction and sentence \* \* \* ; and after delivering such convict \* \* \* to the warden, together with a copy of the certificate of conviction of the court ordering such imprisonment, the warden shall deliver to such sheriff a receipt, \* \* \* *acknowledging receipt of the prisoner, naming him, which receipt the said sheriff shall file in the office of the clerk of the court where such conviction and sentence were had.* \* \* \* Such sheriff shall be entitled to receive from \* \* \* *said* county the amount actually and necessarily expended by him in transporting such prisoner, including the amount paid

for boarding and lodging and such guards as may have been necessarily employed, \* \* \* and such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner, to be fixed and allowed by the proper auditing officer or auditing board of \* \* \* said county.

(2) \* \* \* Whenever a sheriff shall deliver to the warden a prisoner who \* \* \* is under the influence of spirituous liquors \* \* \* said warden shall state *such fact* in his receipt to the sheriff \* \* \* and \* \* \* send \* \* \* a duplicate of said receipt to the clerk of the court where the conviction and sentence of such prisoner were had, who shall file the same in his office.

SECTION 7. Sections 4915 and 4920 are consolidated and renumbered to be section 53.05 and amended to read:

53.05 ORDINARY CUSTODY AND MAINTENANCE. (1) \* \* \* All convicts in the prison shall be in the charge and custody of the warden, who shall govern and employ them in the manner prescribed by law \* \* \* and regulations of the prison and in conformity to the respective sentences under which they \* \* \* were committed.

(2) \* \* \* Spirituous liquors or any articles of indulgence shall *not* be allowed any convict except by order of the physician, which \* \* \* shall be in writing and for a definite period, not exceeding one month; \* \* \* *but* the warden may in his discretion make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior.

SECTION 8. Sections 4905 and 4906 are consolidated and renumbered to be section 53.06 and amended to read:

53.06 RELIGIOUS MINISTRATION, AND OTHER INSTRUCTION. (1) \* \* \* The chaplain shall hold divine service in the chapel once on each Sunday, instruct the prisoners in their moral and religious duties and visit the sick on suitable occasions. He shall also act as librarian and prepare and keep a list of the number and titles of the books in the library; \* \* \* be in attendance at the prison daily during usual business hours, unless excused by the warden; \* \* \* devote not less than three hours per day, once in each week, and oftener, if the board of control shall consider it necessary, to instructing those prisoners who need such instruction in the common branches of English education; and with the consent of the warden \* \* \* call to his assistance in such educational labors such \* \* \* convicts as he may deem qualified. \* \* \* He shall make full report to the warden on the thir-

tieth day of \* \* \* *June* in each even-numbered year of all matters connected with his labors during the preceding term; the substance of which report shall be embodied in the report of the warden to the board. \* \* \*

(2) \* \* \* A Catholic clergyman may also be engaged by the warden to hold services once each month for the benefit of prisoners of that faith, at an expense not \* \* \* *exceeding* two hundred dollars per annum.

SECTION 9. Section 4922 is renumbered to be section 53.07 MAINTENANCE OF AUTHORITY AND ORDER.

SECTION 10. Section 4923 is renumbered to be section 53.08 HUMANE TREATMENT AND PUNISHMENT.

SECTION 11. Section 4918 is renumbered to be section 53.09 and amended to read:

53.09 HARD LABOR AND RESTRICTIONS. \* \* \* All convicts sentenced to the punishment of hard labor in said prison shall be constantly employed for the benefit of the state, \* \* \* *as provided in chapter 56 of the statutes.* \* \* \* Communication shall *not* be allowed *between male and female convicts, or between convicts and any person without the prison, except under supervision, as prescribed in the* \* \* \* regulations of the prison. They shall be confined in separate cells in the nighttime, and in the daytime all intercourse between them shall, as far as practicable, be prevented. \* \* \*

SECTION 12. Sections 4917 and 4929 are consolidated and renumbered to be, respectively, subsections (1) and (2) of a section to be numbered 53.10 SOLITARY CONFINEMENT.

SECTION 13. Section 4928 is renumbered to be section 53.11 and amended to read:

53.11 CREDIT FOR GOOD CONDUCT; FORFEITURE FOR BAD. \* \* \* (1) The deputy warden shall keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month the said deputy shall give a certificate of good conduct to each convict who shall require it, against whom is recorded no infraction of the rules of discipline. Every convict who is now or may be hereafter confined in the state prison and shall conduct himself in a peaceful and obedient manner and faithfully perform all the duties required of him shall be entitled to a diminution of time from the term of his sentence, not exceeding the amounts specified in the following table, for the respective years of his sentence and pro rata for any part of a year, where the sentence is for more than a year:

Year of sentence.	Good time granted	* * *	* * *
First year	One month	* * *	* * *
Second year	Two months	* * *	* * *
Third year	Three months	* * *	* * *
Fourth year	Four months	* * *	* * *
Fifth year	Five months	* * *	* * *
* * *	Six months	* * *	* * *
<i>Every year</i>		* * *	* * *
<i>thereafter</i>		* * *	* * *
* * *	* * *	* * *	* * *

\* \* \*

(2) \* \* \* Any convict \* \* \* who violates any \* \* \* regulation \* \* \* of the prison or \* \* \* refuses or neglects faithfully to perform all the duties required of him, and has become entitled to any diminution of his sentence, \* \* \* shall forfeit from his good time earned, for the first offense, five days; for the second offense, ten days; and for the third and each subsequent offense, twenty days; and in addition thereto, the warden may, with the consent of the board of control, \* \* \* cancel and deprive him of all or any part of the good time theretofore earned.

(3) Whenever any convict \* \* \* is committed under several convictions with separate sentences they shall be construed as one continuous sentence for the purpose of computing the good time made or forfeited under this section. \* \* \*

SECTION 14. Sections 4928a, 4942, 4942a and 4942b are consolidated and renumbered to be section 53.12 and amended to read:

**53.12 TIME CREDIT FOR LABOR; EARNINGS; REWARDS FOR EXCEPTIONALLY GOOD CONDUCT. (1)**

\* \* \* Every \* \* \* convict \* \* \* employed on construction or other work outside of the prison walls on the honor system \* \* \* who shall conduct himself in a peaceful and obedient manner and shall faithfully perform all the duties required of him shall be entitled to a diminution of time of five days for each month of thirty days \* \* \* while he is so employed, \* \* \* in addition to the credit for good conduct prescribed by section \* \* \* 53.11.

(2) \* \* \* The \* \* \* board of control \* \* \* may provide for the payment to \* \* \* convicts of such pecuniary earnings \* \* \* as it may deem proper, under such \* \* \* regulations as it may provide, \* \* \* payable out of the fund provided for \* \* \* carrying on \* \* \* the work in which the prisoner is engaged when employed on state account, and by the contractor when the prisoner is employed under contract. *The rate of such earnings shall vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior.*

(3) \* \* \* Whenever any convict, by continued good behavior, diligence in labor or study or otherwise, shall surpass the general average of convicts the state board of control may, in its discretion, compensate him therefor by the allowance of a sum of money out of his earnings or otherwise, and said board may adopt rules for the payment to deserving convicts, on their discharge or while in prison, of such sums as it may see fit.

(4) \* \* \* Any money \* \* \* accruing to convicts under this section shall be and remain under the control of the \* \* \* board of control, to be used for the benefit of the prisoner, his family, or dependent relatives, under such regulations as to time, manner and amount of disbursements as the board may prescribe; but should any such prisoner wilfully escape \* \* \* or become a fugitive from justice, or commit any breach of discipline, \* \* \* the \* \* \* board \* \* \* may, in its discretion, \* \* \* declare the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken \* \* \* or, in the case of earnings paid by the contractor to the prisoner employed under \* \* \* contract, \* \* \* in the current expense fund of the institution.  
\* \* \*

SECTION 15. Section 4930 is renumbered to be section 53.13  
**RECAPTURE OF ESCAPED CONVICTS.**

SECTION 16. Section 4926 is renumbered to be section 53.14 BURIAL OF DECEASED CONVICTS.

SECTION 17. Sections 4924 and 4925 are consolidated and renumbered to be, respectively, subsections (1) and (2) of section 53.15 PROPERTY OF CONVICTS; BONUS AND EMPLOYMENT ON DISCHARGE.

#### UNITED STATES CONVICTS.

SECTION 18. Section 4931 is renumbered to be section 53.16 and amended to read:

53.16 CUSTODY AND EMPLOYMENT. \* \* \* The warden shall receive into the state prison all persons convicted before any court of the United States, held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in said prison, and \* \* \* shall safely keep and employ *each* such convict \* \* \* pursuant to \* \* \* *his* sentence \* \* \* and the regulations of the prison, until such sentence shall be performed or the said convict be otherwise discharged by due course of law of the United States.

SECTION 19. Sections 4932 and 4933 are consolidated and renumbered to be section 53.17, and amended to read:

53.17 SETTLEMENT OF ACCOUNTS FOR MAINTENANCE. (1) \* \* \* The warden once every six months shall make out and present for settlement to the proper auditing officer of the United States for this state a certified account of the amount which shall then be due and unsettled for the support and maintenance of United States convicts in the state prison of this state.

(2) \* \* \* Whenever \* \* \* *said account shall have been* audited and allowed, as provided \* \* \* *by law*, the warden shall file with the secretary of state a copy of such account with the amount allowed thereon. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount so allowed, payable to the warden out of the state treasury, when the same shall be received from the United States.

SECTION 20. Section 4934 is renumbered to be section 53.18 SPECIAL REPORT CONCERNING UNITED STATES CONVICTS.

SECTION 21. Sections 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4900, 4902, 4903, 4904, 4907, 4908, 4916, 4919, 4921, 4936 and 4937 are repealed.

SECTION 22. Chapters 282 laws of 1850; 195, 467, 474, 475 and 477 laws of 1852; 74 laws of 1853; 32, 58, and 90 laws of

1854; 70 and 88 laws of 1855; 77 laws of 1857; 42 and 43 laws of 1858; 152 laws of 1859; 342 [343] laws of 1860; 148 laws of 1862; 29 laws of 1863; 355 laws of 1864; 518 laws of 1865; 20 laws of 1868; 345 laws of 1874; 239 laws of 1875; 59 laws of 1876; 15, 71 and 151 laws of 1877; 186 laws of 1878; 507 laws of 1887; 310 laws of 1897; 302 laws of 1899; 277 laws of 1901; 62, 110, 395 and 574 laws of 1907; 182 and 314 laws of 1909; 377 laws of 1911; and 629 laws of 1917 are repealed.

SECTION 23. This act shall take effect upon passage and publication.

Approved June 12, 1919.

No. 55, S.]

[Published June 16, 1919.

### CHAPTER 349.

AN ACT to renumber chapter 201a, and amend the title thereof; and to consolidate, renumber, amend and revise the sections of said chapter, all relating to the Wisconsin state reformatory and the Wisconsin industrial home for women.

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

SECTION 1. Chapter 201a is renumbered, and the title thereof amended to read:

“CHAPTER \* \* \* 54.

#### THE STATE REFORMATORY AND INDUSTRIAL HOME FOR WOMEN”.

SECTION 2. Sections 4944a, 4944—r and subsection (2) of section 4944—x are consolidated and renumbered to be section 54.01, and amended to read:

54.01 OBJECTS; SERVICE OF PROCESS. (1) \* \* \*  
*The objects of the Wisconsin state reformatory and the Wisconsin industrial home for women \* \* \* are to correct and remove those criminal or evil tendencies and influences which render the \* \* \* persons confined therein a menace to society, \* \* \* and help them to become good \* \* \* citizens.*

(2) \* \* \* The \* \* \* board of control \* \* \* shall equip and maintain one ward or department of \* \* \* the said industrial home with suitable hospital facilities for the treatment of women afflicted with venereal disease; and shall also equip and maintain a psychological laboratory for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject. Such females shall