

No. 336, S.]

[Published June 24, 1959.
[Republished-June 25, 1959.

CHAPTER 113

AN ACT to renumber 53.02 (4) and 57.06 (1); to amend 46.03 (1), 51.21 (3) (a) and (b), 53.01, 53.03 (1), 53.05, 53.08, 53.095, 53.105, 53.18 (4), 56.01 (1), 56.03, 56.05, 956.01 (9) and 959.051 (2); to repeal and recreate 46.047 and 53.18 (1) and (2); and to create 53.02 (4) and 57.06 (1) (b) of the statutes, relating to a new medium security prison and providing a penalty.

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

SECTION 1. 46.03 (1) of the statutes is amended to read:

46.03 (1) Maintain and govern the Mendota and the Winnebago state hospitals, the central state hospital, the Wisconsin state prison, *the Wisconsin correctional institution*, the Wisconsin state reformatory, the Wisconsin home for women, the Wisconsin school for boys, the Wisconsin school for girls, the Wisconsin workshop for the blind, the Wisconsin child center, the northern, central and the southern colonies and training schools and the diagnostic center.

SECTION 2. 46.047 of the statutes is repealed and recreated to read:

46.047 MEDIUM SECURITY PRISON. The department is authorized to construct a medium security prison to be known as the Wisconsin correctional institution on state-owned land known as prison farm 10 in Dodge county. Inmates from the Wisconsin state prison and the Wisconsin state reformatory may be transferred to this institution and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employes of the institution shall be subject to the same laws as pertain to other penal institutions. Inmates will not be received on direct commitment from the courts.

SECTION 3. 51.21 (3) (a) and (b) of the statutes are amended to read:

51.21 (3) (a) When the physician of * * * a state prison * * * or county jail or a psychiatrist of the department reports in writing to the officer in charge thereof that any prisoner is, in his opinion, mentally ill or infirm or deficient, such officer shall make a written report to the department. Thereupon the department may transfer the prisoner (if male) to the central state hospital or (if female) to the Winnebago state hospital; and if the prisoner's term has not expired, the department may order his return * * * if it is satisfied that he has recovered. When a prisoner is removed to central state hospital or Winnebago state hospital, the superintendent thereof may cause such treatments to be administered as in his judgment are necessary or beneficial.

(b) The superintendent of the hospital shall receive the prisoner and shall, within a reasonable time before his sentence expires, make a written application to the county court where the hospital is located for an inquiry as to the prisoner's mental condition. Thereafter the proceeding shall be as upon application made under s. 51.01, but no physician connected with * * * a state prison, * * * Winnebago or central state hospital or county jail shall be appointed as an examiner. If the court is satisfied that the prisoner is not mentally ill or infirm or deficient, it may dismiss the application and order the prisoner returned to the institution

from which transferred. If the court finds that the prisoner is mentally ill or infirm or deficient, it may commit the prisoner to the central state hospital or commit her to the Winnebago state hospital.

SECTION 4. 53.01 of the statutes is amended to read:

53.01 The penitentiary at Waupun is named "Wisconsin State Prison." *The medium security penitentiary near Fox Lake is named "Wisconsin Correctional Institution."* The penitentiary at Taycheedah * * * is named "Wisconsin Home for Women." The penitentiary at Green Bay is named "Wisconsin State Reformatory." The institutions named in this section are state prisons.

SECTION 5. 53.02 (4) of the statutes is renumbered 53.02 (5).

SECTION 6. 53.02 (4) of the statutes is created to read:

53.02 (4) WISCONSIN CORRECTIONAL INSTITUTION. For all purposes of discipline and for judicial proceedings, the Wisconsin correctional institution and the precincts thereof are deemed to be in Dodge county, and the courts of that county shall have jurisdiction of all crimes committed within the same. Every activity conducted under the jurisdiction of and by the Wisconsin correctional institution wherever located is a precinct of the institution.

SECTION 7. 53.03 (1) of the statutes is amended to read:

53.03 (1) The * * * *wardens* and the superintendents of the state prisons shall each take the official oath required by s. 19.01.

SECTION 8. 53.05 of the statutes is amended to read:

53.05 RESIDENCE OF WARDENS AND SUPERINTENDENTS. The state shall furnish the * * * *wardens* and * * * *superintendents* of * * * *the state* * * * *prisons* a dwelling located conveniently to the prison, where * * * *they* shall reside.

SECTION 9. 53.08 of the statutes is amended to read:

53.08 The * * * *wardens* and the * * * *superintendents* and all prison * * * *officials* shall uniformly treat the inmates with kindness. There shall be no corporal or other painful and unusual punishment inflicted upon inmates.

SECTION 10. 53.095 of the statutes is amended to read:

53.095 DELIVERING ARTICLES TO INMATE. Any officer or other person who * * * *delivers or procures* to be delivered or * * * *has* in his possession with intent to deliver to any * * * *inmate* confined in * * * *a state prison* * * * or shall deposit or conceal in or about * * * *a prison* * * *, or the * * * *precincts* thereof, or in any * * * *vehicle* going into the premises belonging to * * * *a prison* * * *, any article or thing whatever, with intent that any * * * *inmate* confined therein shall obtain or receive the same, or who * * * *receives* from any * * * *inmate* any article or thing whatever with intent to convey the same out of * * * *a prison* * * *, contrary to the rules or regulations and without the knowledge or permission of the warden or superintendent thereof, shall be * * * *imprisoned* not more than 2 years or * * * *fined* not exceeding \$500.

SECTION 11. 53.105 of the statutes is amended to read:

53.105 UNLAWFUL PRIVILEGE FOR INMATE. Any officer or person employed in * * * *a state prison* * * * who * * * *knowingly* * * *

*permits any * * * inmate under sentence of solitary confinement therein to be at large or out of the cell assigned him, or * * * suffers any inmate confined in said prison * * * to be at large, or * * * allows him to be visited, conversed with in any manner to be relieved or comforted, except as provided by law or the regulation of said prison * * *, shall be * * * fined not * * * to exceed \$500.*

SECTION 12. 53.18 (1) and (2) of the statutes are repealed and recreated to read:

53.18 (1) Inmates of a prison may be transferred and retransferred to another prison by the department.

(2) Inmates of the Milwaukee county house of correction may be transferred to a state prison. If any county discontinues its workhouse or house of correction, inmates at the time of such discontinuance may be transferred to the state prison or to the county jail of the county as the commitment may indicate.

SECTION 13. 53.18 (4) of the statutes is amended to read:

53.18 (4) With each person transferred to a state prison from another institution, the warden or superintendent of such other institution shall transmit * * * the original commitment and * * * the institutional record pertaining to such person.

SECTION 14. 56.01 (1) of the statutes is amended to read:

56.01 (1) The department may establish industries and purchase machinery and raw materials for the employment of * * * inmates in the * * * state * * * prisons, in manufacturing articles for the state and its political divisions and any tax-supported institution or agency and for sale thereof to other states or political divisions thereof or to the United States and shall fix the price of all produce as near the market price as possible. In fixing the price of motor vehicle license plates and highway signs and markers to this state or any division thereof the value of labor of each prisoner employed at such work shall be calculated at the rate of \$2 per day. The term "manufacturing" includes reprocessing, repairing, salvaging, servicing and storing; and obsolete supplies, materials and equipment may be reconditioned for sale under s. 15.59. The department may also operate a central warehouse and central generating station with the employment of prisoners to supply its institutions. The department may also maintain an auto shop in connection with the auto school at the reformatory and may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by inmates enrolled in said school, and shall fix the price of such work as near as possible to the market value of the labor and materials furnished.

SECTION 15. 56.03 of the statutes is amended to read:

56.03 The * * * wardens and the superintendents of the state * * * prisons may employ inmates outside the institution's yard in cultivating the * * * farms or in doing any necessary work in the prosecution of the regular business of the institution or of other state institutions or of any other activity of the state or of any political subdivision thereof or in the construction of buildings by the state; and any such inmate who escapes shall be deemed as having escaped from the institution proper.

SECTION 16. 56.05 of the statutes is amended to read:

56.05 The department may maintain in the * * * state * * * *prisons vocational* schools and instruct the inmates in trades * * * and domestic science; and may create such industries as seem to the department for the best interests of the inmates.

SECTION 17. 57.06 (1) of the statutes is renumbered 57.06 (1) (a).

SECTION 18. 57.06 (1) (b) of the statutes is created to read:

57.06 (1) (b) Persons transferred to the Wisconsin correctional institution shall be subject to the parole eligibility laws governing the institution to which they were originally committed.

SECTION 19. 956.01 (9) of the statutes is amended to read:

956.01 (9) The place of trial of crimes committed within the precincts of the state prison, *the Wisconsin correctional institution*, the state reformatory or the home for women is governed by s. 53.02.

SECTION 20. 959.051 (2) of the statutes is amended to read:

959.051 (2) Upon the recommendation of the state department of public welfare, the governor may, without the procedure required by ch. 57 * * *, discharge absolutely, or upon such conditions and restrictions, and under such limitations as he may think proper, any inmate * * * *committed to* the reformatory after he * * * *has* served the minimum term of punishment prescribed by law for the offense for which he was sentenced. Such discharge shall have the force and effect of an absolute or conditional pardon, respectively.

Approved June 17, 1959.
