

CHAPTER 55.

COUNTY JAILS AND OTHER MUNICIPAL PRISONS.

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55.01 Erection and objects of county jails. The county board of each county shall cause to be erected, at the county seat, a county jail, which shall be used:

- (1) For the detention of persons charged with offenses and duly committed for trial.
- (2) For the detention of persons duly committed to secure their attendance as witnesses on the trial of any criminal cause.
- (3) For the confinement of persons committed pursuant to a sentence for an offense, or duly committed or held in custody by the sheriff for any cause authorized by law.
- (4) For the confinement of persons sentenced to imprisonment in state penal institutions or the Milwaukee house of correction, until such time as they shall be removed to said institutions.

55.02 Restrictions on location of prisons. The county jail shall not be located, constructed, or arranged for in the basement of any other building; and no prison, lockup, or temporary place of confinement for insane persons, or persons arrested for breach of ordinance or statute, shall be erected in any village, or city of the third or fourth class, within three hundred feet of any public, private, or parochial school building, or building used regularly or principally for school purposes.

55.03 Maintenance of prisoners. All charges for maintaining, while in county institutions, convicts who have been sentenced to confinement in the state penal institutions, prisoners charged with offenses and duly committed for trial, prisoners committed for the nonpayment of fines and expenses, and prisoners sentenced to imprisonment therein, shall be paid out of the county treasury; but no claim shall be allowed to any sheriff or jailer for keeping or boarding any person in the county jail unless such person shall have been committed thereto pursuant to law.

Cross Reference: 62.24 (2) (e) makes city liable for keep of person confined in county jail for violation of city ordinance. incidental to transportation of person convicted for violation of municipal ordinance and sentenced to county jail is paid by city or village whose ordinance was violated. 24 Atty. Gen. 65.

Note: In absence of any special agreement between county and city or village, expense

55.04 Use of jail in another county. Courts, magistrates and officers of any county having no jail may sentence, commit, or deliver any person to the jail of any other county as if such jail existed in their own county; and the keeper of such jail shall receive and keep the prisoner in all respects as if committed from such other county; but the cost of such keep shall be paid by the county from which the prisoner was sentenced, committed, or delivered.

55.05 Removal of prisoners in case of fire or other casualty. (1) If the prisoners in any prison shall be exposed to danger by fire or other casualty, the keeper may remove them to a place of safety and there confine them so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.

(2) Whenever the county jail in any county shall be destroyed by fire or other casualty or shall be insecure for the safe-keeping of prisoners the sheriff of such county may remove any prisoner to the jail of some other county, where he shall be received and kept the same as if committed thereto, but at the expense of said first mentioned county.

(3) An indorsement on the back of the commitment by which any prisoner is held in custody, made by the sheriff in charge of such prisoner, directed to the jailer or sheriff of such other county, shall be sufficient authority for such jailer or sheriff to hold such prisoner.

55.06 Segregation of prisoners. All jails and other municipal prisons shall be provided with suitable apartments or buildings for the separation of criminals from prisoners not criminal; persons of different sexes; and person alleged to be insane. All prisoners shall be kept segregated accordingly.

55.07 Maintenance and sanitation of prisoners. (1) The keeper of each prison shall see that the same is constantly kept in a cleanly and healthful condition, and that strict attention is paid to the personal cleanliness of all the prisoners in his custody, and shall cause the apparel of each prisoner to be properly laundered. He shall furnish each prisoner daily with as much clean water as may be necessary and with a clean towel once a week. He shall serve each prisoner three times daily with wholesome food, well cooked and in sufficient quantity. The county board shall prescribe the diet of the prisoners in the county jail as to kind and fix the maximum compensation to be paid therefor.

(2) Neither the sheriff, jailer or keeper of any prison nor any other person shall, under any pretense, give, sell or deliver to any person committed to prison for any cause whatever any spirituous liquors or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed, and no more.

(3) The keeper of each prison shall furnish necessary bedding, clothing and fuel for all prisoners who shall be in his custody, and shall be paid therefor as provided for the payment for the weekly support of such prisoners and in addition thereto.

(4) In the event that a prisoner shall need medical or hospital care the keeper of the prison shall provide such care and may transfer the prisoner to any hospital where such care may be obtained, making such provision for the security of the prisoner as he deems necessary. The costs of medical and hospital care outside of the jail shall, if the prisoner be unable to pay for it, in the case of persons held under the state criminal laws or for contempt of court, be borne by the county and in the case of persons held under municipal ordinance by the respective municipality. The governmental unit paying any such costs of medical or hospital care may sue for and collect the value of the same against such person and against his estate in the manner and under the conditions provided for in section 49.10. In case of a prisoner held on a body execution under section 272.09, or on civil arrest under chapter 264, the liability of the keeper to furnish medical care and hospital care, in case the prisoner is unable to pay for the same, shall not exceed the unexpended amount of support money theretofore advanced by the creditor, his agent or attorney. [1945 c. 256]

55.08 Bibles and religious instruction. The keeper of each prison shall provide, at the expense of the county, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible or New Testament, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel or person duly delegated by any regularly organized Young Men's Christian Association or any other religious association or corporation within the county, disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at reasonable and proper times.

55.09 Discipline; solitary confinement. Whenever any person committed to prison for any cause whatever shall be unruly or shall disobey any of the regulations established for the management of prisons the sheriff or keeper may order such prisoner to be kept in solitary confinement and fed on bread and water only for a period not exceeding twenty days for each offense.

55.10 Annual inspection. At least once in each year the county board of each county shall visit, inspect and examine each prison therein, as to health, cleanliness and discipline, and the keeper thereof shall lay before it a calendar setting forth the name, age and cause of committal of each prisoner; and if it shall appear to the said board that any of the provisions of law have been violated or neglected it shall forthwith give notice thereof to the district attorney of the county.

55.11 Custody of United States prisoners. (1) All sheriffs, jailers, prison keepers and their and each of their deputies within the state, to whom any person or persons shall be sent or committed by virtue of legal process issued by or under the authority of the United States, shall be and they are hereby enjoined and required to receive such persons into their custody and to keep them safely until they be discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies offending in the premises shall be liable to the same pains and penalties and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners had been committed to their custody by virtue of legal process issued under authority of this state; provided, that no person sentenced to imprisonment by any court of the United States for a term exceeding eighteen months shall be received in the house of correction of Milwaukee county, the state prison or any other penal institution within this state.

(2) The United States shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of this state.

(3) Before every stated term of the United States court to be held within this state the said sheriffs, jailers and prison keepers shall make out, under oath, a calendar of prisoners in their custody under the authority of the United States, with the date of their commitment, by whom committed and for what offense, and transmit the same to the judge of the district court of the United States for the district, and at the end of every six months they shall transmit to the United States marshal for the district, for allowance and payment, their account, if any, against the United States for the support and keeping of such prisoners, as aforesaid.