

## CHAPTER 56.

## PRISON LABOR.

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**56.01 Prison industries and products.** (1) The department may establish industries and purchase machinery and raw materials for the employment of prisoners in the Wisconsin state reformatory and Wisconsin state prison, 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 \$1.75 per day, of which 25 cents shall be allowed as pay to the prisoner or as a benefit to his dependents.

(2) The department may lease or purchase land within the state for the employment of prisoners. It may construct barracks for their safe-keeping outside the prison proper.

(3) The department shall include in its biennial report to the governor, a detailed statement showing the amount of the various articles produced in the prison industries, the disposition of these articles, the cost of the material, the machinery installed and the cost thereof, the land purchased or leased and the cost thereof and the rates and total amount of wages paid or credited to prisoners pursuant to this section. [1939 c. 501; 1943 c. 93; 1947 c. 366]

**Comment of Interim Committee, 1947:** The prohibition against sale in the open market is omitted. It is a duplication of 56.22 [new 56.06]. The enumeration and details of objects are omitted from (2) because unnecessary. Otherwise the substance of 56.01 is not changed except to add "any tax-supported institution or agency" in the first sentence. (Bill 359-A)

**Note:** School district is political subdivision within meaning of (1). 28 Atty. Gen. 674.

Purchase of license plates from the state prison is governed by 15.31 and 15.32 [renumbered 15.58, 15.59] which require requisition to director of purchases. Expenditures of motor vehicle department for plates should be charged to appropriation for fiscal year in which the fund is "incumbered" by the placing of a valid order. 35 Atty. Gen. 244.

**56.02 Binder twine plant.** (1) The department shall maintain and operate at the state prison the necessary buildings, machinery and equipment for the manufacture of binder twine.

(2) The price of the twine and cordage manufactured in said plant shall be fixed from time to time by the department. The product of the plant shall be sold at such times and places and in such manner as the department determines to be for the best interests of the state; but citizens of the state shall be preferred purchasers. [1943 c. 93; 1947 c. 366]

**Comment of Interim Committee, 1947:** The additional bond is omitted. The warden must give a bond under 53.02. As that section is revised by the bill (35-A) consolidating Chapters 53 to 55 (new 53.03) the department fixes the amount of the bond and that should suffice. Otherwise 56.02 is not materially changed. (Bill 359-A)

**Note:** Board of control and warden of state prison have power to determine price at which binder twine manufactured in state prison shall be sold and have further right to fix selling price of such twine and to refuse to sell binder twine to dealer who refuses to maintain price set by said board of control and warden. 27 Atty. Gen. 822.

**56.03 Prison labor on farms and buildings.** The warden of the state prison, the superintendent of the state reformatory and the superintendent of the Wisconsin home for women may employ inmates outside the institution's yard in cultivating the farm 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. [1945 c. 185; 1947 c. 366]

**Comment of Interim Committee, 1947:** 56.03 is restated without change of meaning, except to permit work for political subdivisions of the state. (Bill 359-A)

[56.04 Stats. 1943 repealed by 1945 c. 185]

**56.04 Prison farms.** The commissioners of the public lands, the state conservation commission and the state department of public welfare are authorized to select from the state forest reserves a quantity of land not to exceed 5,000 acres and convert the same into farms for the state prisons. [1943 c. 93; 1947 c. 366]

[56.05 Stats. 1945 renumbered section 56.04 by 1947 c. 366]

**56.05 Vocational instruction at prisons.** The department may maintain in the Wisconsin state prison, the Wisconsin home for women and the Wisconsin state reformatory, manual training schools and instruct the inmates in trades; and may maintain in connection with the home for women systems of training and instruction in trades and domestic science; and may create such industries as seem to the department for the best interests of the inmates. [1943 c. 93; 1945 c. 343; 1947 c. 366]

[56.06 Stats. 1943 repealed by 1945 c. 185]

**56.06 Prison products; sale.** No goods, excepting farm machinery, farm implements and tools, cordage rope and ply goods, and binder twine, manufactured wholly or in part by inmates in any state, city or county penal institution shall be offered for sale in the open market. [1939 c. 501; 1947 c. 366]

**Comment of Interim Committee, 1947:** exception of goods stocked by retailers prior 56.06 is a restatement of 56.22 without to March, 1940, which is obsolete. (Bill change of meaning, other than to omit the 359-A)

[56.07 Stats. 1945 renumbered section 56.05 by 1947 c. 366]

**56.07 County farming and forestry projects.** (1) The county board of any county may by resolution authorize a committee consisting of its chairman, sheriff and the officer charged with the care of the poor in such county to provide such work for all able-bodied persons committed to the county jail as will not reduce remunerable employment for other employables in the locality where such work is furnished, and to acquire land for raising crops and for forestry projects and to provide suitable implements and equipment necessary for such work, including work clothing.

(2) Such prisoners shall without compensation be employed at such work under the supervision of said committee not exceeding 8 hours each day.

(3) All food produced by such work and products raised on such land shall be distributed as directed by the county board.

(4) The committee may employ a guard for prisoners so employed at a wage not in excess of the going rate. The county board may appropriate money to carry out the provisions of this section. [1939 c. 106; 1947 c. 366]

**Comment of Interim Committee, 1947:** The restriction to counties whose population is less than 100,000 is deleted, making 56.07 (old 56.095) applicable to all counties. The section is broadened to apply to both men and women prisoners. Provision for forestry projects is added. (3) is changed to provide that the food produced be distributed as directed by the county board instead of being turned over to the county officer charged with the care of the poor for distribution to the needy. The pay of prison guards (\$4 per day) is changed to the "going rate." (Bill 359-A)

**56.08 Employment of misdemeanants.** (1) Any person sentenced to the county jail is committed to hard labor unless the court specifies otherwise. The court may order any part of the imprisonment to be in ordinary confinement or may order his hospitalization for needed treatment.

(2) If the convicted person has been regularly employed the sheriff shall arrange for a continuation of said work in so far as possible without interruption. If not employed in any job, the sheriff shall make every effort to secure some suitable employment. Any prisoner so employed shall be paid a fair and reasonable wage for such work and shall work at fair and reasonable employment and hours per day and per week.

(3) Whenever the prisoner is not employed, and between the hours or periods of employment, he shall be confined in jail unless the court shall direct otherwise.

(4) The earnings of the prisoner shall be collected by the sheriff. From such earnings the sheriff shall, to the extent directed by the court, pay the prisoner's personal expenses and the support of his dependents, if any. Any balance shall be retained until his discharge, whereupon one-half of such balance shall be paid to him and the remainder paid into the county treasury for the use of the county.

(5) If approved by the committing court, the prisoner obtains a diminution of one-fourth of his term if his conduct, diligence and general attitude merit such diminution.

(6) In case of the violation of the conditions laid down for his conduct, custody and employment, he shall be returned to the court; and it may then require that the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

(7) The sheriff shall receive such extra compensation and mileage as the county board determines.

(8) 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.

(9) In this section "jail" includes house of correction and workhouse, and "sheriff" includes the superintendent thereof.

(10) The provisions of this section shall extend to a person committed to the county jail by a court of record upon an adjudication of contempt of court. [1943 c. 93; 1945 c. 185; 1947 c. 366]

**Comment of Interim Committee, 1947:** 56.08 is commonly called the Huber Law. It is a type of probation or parole. At the time it was enacted (ch. 625, laws of 1913) the parole and probation practice was undeveloped. \* \* \* This revision attempts to bring it up to date. Those features of that law which may still be usable are preserved and other provisions are added to make the law more workable. The provision for punishing the sheriff for neglect of duty is a duplication and unnecessary and is omitted. Malfeasance and nonfeasance in office are punishable under sections 348.28 and 348.29 by imprisonment up to 5 years and by a fine up to \$500. (Bill 359-A)

**Note:** Employment of county prisoners under 56.08 and 56.09 is not subject to workmen's compensation act. 25 Atty. Gen. 286.

This section is applicable to justice court. Unless justice provides otherwise, said section operates as commitment to hard labor as matter of course. 28 Atty. Gen. 71.

[56.09 Stats. 1945 repealed by 1947 c. 366]

[56.095 Stats. 1945 renumbered section 56.07 by 1947 c. 366]

**56.10 to 56.13 County workhouses.** [Not printed; 1947 c. 366 c. 10; see 1945 Stats.]

[56.14 Stats. 1945 repealed by 1947 c. 366]

[56.15 Stats. 1945 renumbered section 56.22 by 1947 c. 366]

**56.16 Milwaukee house of correction.** (1) The county board of any county whose population is 500,000 may, pursuant to section 46.17, establish, relocate and maintain within said county a house of correction for the reformation and employment of persons sentenced to confinement therein.

(2) The expenses of maintaining said house of correction, above all receipts for the labor of persons confined therein and for the support of prisoners therein whose support is not chargeable to said county shall be audited by the county board at its annual meeting, and paid out of the county treasury, and shall be raised, levied and collected as part of the ordinary expenses of said county. [1947 c. 366]

**56.17 Administration and management.** (1) The management of every such house of correction shall be controlled by the county board, pursuant to such regulations and under the direct supervision and control of such officers as said board shall prescribe. No such regulation shall be finally adopted on the day on which it is first presented to said board for consideration, nor until it shall have been considered and reported upon by the proper committee of said board. The board may by ordinance place the management of said house under the control of the board of trustees provided for by section 46.21, and in such event said section 46.21, so far as applicable, shall control. The county board may by ordinance resume control of the management of said house. The county board shall, in accordance with the civil service law, prescribe the number and compensation of all personnel needed for the administration of said house, and fix their duties.

(2) The judges of the county, municipal and district courts, district attorney and sheriff of such county and the mayor and city attorney of its most populous city, shall constitute a board of visitors, who shall investigate the affairs of such house on the first Monday of August in each year, and thereupon report in writing to the county board at its annual meeting, or to the board of trustees if such board be in charge of such institution, setting forth its condition, and suggesting such alterations, improvements or other matters respecting the management, discipline and government of the same as may promote the purposes thereof and the interests of said county. [1939 c. 48; 1947 c. 366]

**56.18 Commitments; municipal prisoners; contract with other county.** (1) Every court, justice, magistrate or other officer in such county, authorized to commit any person to the county jail upon conviction of any offense or violation of any city or village ordinance, or authorized to sentence any person to imprisonment in the state prison for any term not exceeding 5 years, may in lieu of such sentence commit or sentence such person to said house for an equivalent term, at hard labor. All mittimus and warrants of commitment in such cases shall be directed to the superintendent of said house and shall be his authority for the detention of the person sentenced or committed.

(2) Each village or city in such county shall, at such times as shall be designated by the county board, pay to the county the actual and reasonable costs of maintenance, as determined by ordinance of the county board, of all persons confined in the house of correction for the violation of any of the ordinances of such city or village during the preceding year.

(3) Such county may contract with any other county, upon such terms as may be agreed upon by their respective county boards, to receive into said house any person who may be sentenced to confinement therein by any court, justice or other officer of such other county; and thereupon, so long as such contract remains in force, every court, justice or other officer in such other county, authorized to commit or sentence any person to the county jail may, in lieu of such sentence or commitment, sentence or commit such person to said house for an equivalent term, at hard labor; and any officer to whom the process of commitment in such case is delivered for execution shall convey such person to the said house and deliver him, with the commitment papers, to the superintendent of said house; and thereafter such person shall be detained and treated by all persons, courts and officers as if sentenced and committed to said house by any court, justice or other officer in the county in which said house is established.

(4) Whenever it appears, to the satisfaction of the department, that any person convicted of a felony and committed to the house of correction and whose continued presence is detrimental to himself or other inmates or to the discipline of such house the department may transfer him to the state prison.

(5) Whenever in the opinion of the superintendent of such house and the county physician in charge at the house, an inmate's life is in jeopardy because of injury or disease or that he is suffering from a disease that cannot be advantageously treated at the house, a temporary transfer of such inmate may be made on their order to the Milwaukee county hospital, but notification of such transfer shall in all cases be given to the department and shall be subject to cancellation by it at any time. [1939 c. 48; 1943 c. 93; 1947 c. 366]

**Comment of Interim Committee, 1947:** The provisions for sentence to solitary confinement are omitted. Under (4) prisoners are to be approved by the department instead of the governor, and under (5) notice of temporary transfers will go to the department instead of to the governor. (Bill 359-A)

**56.19 Employment of prisoners; time credits, earnings and rewards.** (1) The superintendent of said house shall place all inmates at such employments, and shall cause all inmates who are minors to be instructed in such branches of useful knowledge, as shall be prescribed by the county board, but no goods manufactured therein shall be offered for sale or sold in the open market.

(2) He may employ such prisoners outside of the institution, for the purpose of cultivating the farm of said institution or in doing any other work necessary to be done in the regular business thereof, or doing work for other county departments or institutions, or in the construction of public highways within said county. In all such cases he shall detail such force from the house of correction as he may deem necessary to guard such prisoners.

(3) The superintendent shall keep a true record of the conduct of each prisoner, specifying each infraction of the rules of discipline; and at the end of each month shall give a certificate of good conduct to each prisoner against whom no such infraction is recorded, subject to annulment by the department for subsequent misconduct. Upon each such certificate issued to any such prisoner serving sentence for a misdemeanor the prisoner may be credited, at the discretion of the superintendent, with a diminution of the sentence not exceeding 5 days. Each such prisoner serving sentence for a felony shall receive time credits as provided in section 53.11.

(4) The county board may, pursuant to its regulations approved by the department, extend to such prisoners similar time credits, pecuniary earnings and rewards, subject to similar conditions and limitations, as those prescribed by section 53.12 for prisoners in the state prison. [1939 c. 48, 501; 1943 c. 93; 1947 c. 366]

**Comment of Interim Committee, 1947:** The obsolete exception in old (1) is deleted. Under (3) good conduct certificates shall be subject to annulment by the department instead of the governor. (Bill 359-A)

**56.20 United States convicts.** The county of Milwaukee may contract with the United States for the keeping and support, within its house of correction, of all prisoners who are sentenced to imprisonment by the courts of the United States within this state, upon such terms as may be agreed upon by the county board and the officers of the United States having authority for that purpose. [1947 c. 366]

**56.21 Compensation to injured prisoners.** If an inmate of a state institution, in the performance of his work in connection with the maintenance of the institution or of any industry maintained therein, is injured so as to permanently incapacitate him or materially reduce his earning power, he may, upon his discharge, be allowed and paid such compensation as the industrial commission finds him entitled to. He shall be compensated on the same basis as he would be had the injury been covered by the workmen's compensation act, except that the total paid to any such inmate shall not exceed \$1,000 and may be paid in instalments. If the injury results from employment in a prison industry,

the payment shall be made from the revolving appropriation for its operation. If there is no revolving appropriation, payment shall be made from the general fund. [1945 c. 537; 1947 c. 366]

**Note:** Milwaukee house of correction is not state institution. 20 Atty. Gen. 73.

[56.22 Stats. 1945 renumbered section 56.06 by 1947 c. 366]

**56.22 Work on Sundays and holidays.** No prisoner shall be compelled to work on Sunday or a legal holiday, except it be on necessary household work or when necessary to maintain the management or discipline of the institution. [1947 c. 366]