

CHAPTER 53.

PRISONS; STATE, COUNTY AND MUNICIPAL.

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53.01 Names of prisons. The penitentiary at Waupun is named "Wisconsin State Prison." The penitentiary at Taycheedah, formerly known as the Wisconsin industrial home for women and the Wisconsin prison for women, 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.

53.02 Jurisdiction and extent of state prisons; service of process therein. (1) **WISCONSIN STATE PRISON.** For all purposes of discipline and for judicial proceedings, the Wisconsin state prison and the precincts thereof shall be 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 prison, wherever located, is a precinct of the prison; and each precinct is part of the prison.

(2) **WISCONSIN STATE REFORMATORY.** For all purposes of discipline and for judicial proceedings, the Wisconsin state reformatory and the precincts thereof shall be deemed to be in Brown 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 reformatory, wherever located, is a precinct of the reformatory; and each precinct is part of the reformatory.

(3) **WISCONSIN HOME FOR WOMEN.** For all purposes of discipline and for judicial proceedings, the Wisconsin home for women and the precincts thereof shall be deemed to be in Fond du Lac 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 such home, wherever located, is a precinct of the home; and each precinct is part of the home.

(4) **SERVICE OF PROCESS.** (a) Service of process may be made on the warden or superintendent of any prison named in section 53.01 as upon any other resident of this state.

(b) Except as provided in paragraph (a), service of process within any such prison on any officer or employe or inmate thereof shall be made by the warden or superintendent or some person appointed by him to serve process.

53.03 Oath of office; bond. (1) The warden and the superintendents of the state prisons shall each take the official oath required by section 19.01.

(2) They shall each execute the official bond required by section 19.01, the amount of which shall be fixed by the department, with surety or sureties approved by the department.

53.04 Duties of warden and superintendents. The warden or the superintendent of each state prison shall have charge and custody of his prison and all lands, belongings, furniture, implements, stock and provisions and every other species of property within the same or pertaining thereto. He shall enforce the regulations of the department for the administration of the prison and for the government of its officers and the discipline of its inmates.

53.05 Residence of warden and superintendents. The state shall furnish the warden and each superintendent of a state prison a dwelling located conveniently to the prison, where he shall reside.

53.06 Delivery of persons to prisons. The sheriff shall deliver to the proper state prison every person convicted in his county and sentenced to such prison as soon as may be after sentence, together with the certificate of conviction. The warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt of the prisoner, naming him, which receipt the sheriff shall file in the office of the clerk who issued the certificate of conviction. When transporting or delivering a client to the Wisconsin home for women the sheriff shall be accompanied by an adult female person.

History: 1951 c. 279 s. 10.

53.07 Maintenance of order. The warden or superintendent shall maintain order, enforce obedience, suppress riots and prevent escapes. For such purposes he may command the aid of the officers of the institution and of persons outside of the prison; and any person who fails to obey such command shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$500. The warden or superintendent may adopt proper means to capture escaped inmates.

53.08 Humane treatment and punishment. The warden and the superintendent and all prison officers shall uniformly treat the inmates with kindness. There shall be no corporal or other painful and unusual punishment inflicted upon inmates.

53.09 Labor and communications. Inmates shall be employed as provided in chapter 56. Communication shall not be allowed between inmates and any person outside the prison except as prescribed by the prison regulations.

53.095 Delivering articles to convict. Any officer or other person who shall deliver or procure to be delivered or shall have in his possession with intent to deliver to any convict confined in the state prison or the Wisconsin state reformatory or shall deposit or conceal in or about said prison or reformatory, or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison or reformatory, any article or thing whatever, with intent that any convict confined therein shall obtain or receive the same, or who shall receive from any convict any article or thing whatever with intent to convey the same out of said prison or reformatory, contrary to the rules or regulations and without the knowledge or permission of the warden or superintendent thereof, shall be punished by imprisonment in said state prison or reformatory not more than 2 years or by fine not exceeding \$500.

History: 1955 c. 696 s. 181.

53.10 Solitary confinement. For violation of the rules of the prison an inmate may be confined to a solitary cell, under the care and advice of the physician.

53.105 Unlawful privilege for convict. Any officer or person employed in the state prison or the Wisconsin state reformatory who shall knowingly permit any convict under sentence of solitary confinement therein to be at large or out of the cell assigned him, or shall suffer any convict confined in said prison or reformatory to be at large, or allow him to be visited, conversed with or in any manner to be relieved or comforted, except as provided by law or the regulations of said prison or reformatory, shall be punished by fine not exceeding \$500.

History: 1955 c. 696 s. 180.

53.11 Credit for good conduct; forfeiture for bad; parole. (1) The warden or superintendent shall keep a record of the conduct of each inmate, specifying each infraction of the rules. Each inmate who shall conduct himself in a proper manner and perform all the duties required of him shall be entitled to good time or diminution of sentence according to the following table, prorated for any part of a year: First year, one month; second year, 2 months; third year, 3 months; fourth year, 4 months; fifth year, 5 months; every year thereafter, 6 months.

(2) Any inmate who violates any regulation of the prison or refuses or neglects to perform the duties required of him shall be subject to forfeiture of any good time previously granted or earned under this chapter, 5 days for the first offense, 10 days for the second offense and 20 days for the third or each subsequent offense. Good time so forfeited shall not be restored. In addition, the department, or the warden or the superintendent, with the approval of the department, may cancel all or part of such good time.

(2a) A parolee earns good time at the rate prescribed in this section. The department may forfeit all or part of the good time previously earned under this chapter, for violation of the conditions of parole, whether or not the parole is revoked for such misconduct.

(3) Whenever any inmate is committed under several convictions with separate consecutive sentences they shall be construed as one continuous sentence for the purpose of computing good time earned or forfeited under this section. All other sentences, whenever imposed, shall be deemed first sentences for purpose of computing good time; but no more good time shall be granted for any one year than is specified in subsection (1), as modified by section 53.12 (1).

(4) An inmate may waive his good time.

(5) The time during which an inmate who escaped is at large shall not be computed as time served.

(6) Allowances for good conduct earned in any institution shall be allowed in the institution to which an inmate may be transferred.

(7) (a) An inmate or parolee having served the term for which he has been sentenced for a crime committed after May 27, 1951, less good time earned under this chapter and not forfeited as herein provided, shall be released on parole or continued on parole, subject to all provisions of law and department regulations relating to paroled prisoners, until the expiration of the maximum term for which he was sentenced without deduction of such good time, or until discharged from parole by the department, whichever is sooner.

(b) Any person on parole under this subsection may be returned to prison as provided in s. 57.06 (3) or s. 57.07 (2) to serve the remainder of his sentence. He may earn good time on the balance of such sentence while so in prison, subject to forfeiture thereof for misconduct as herein provided. Subject to the approval of the department, he may again be released on parole thereafter under either this section or s. 57.06 or s. 57.07, whichever is applicable. The remainder of his sentence shall be deemed to be the amount by which his original sentence was reduced by good time.

(8) Releases from the prisons, except those under ch. 57, shall be on the Tuesday or the Wednesday preceding the release date.

History: 1951 c. 256; 1953 c. 71; 1955 c. 42, 44.

53.12 Credit for diligence; earnings; reward of merit. (1) In addition to the credit for good conduct prescribed in section 53.11, every inmate whose diligence in labor or study surpasses the general average is entitled to a diminution of time at the rate of one day for each 6 days during which he shows such diligence. The diminution shall be made under the rules of the department.

(2) The department may provide by rules for the payment of wages to inmates. The rate of such wages may vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior.

(3) If by continued good conduct, diligence or otherwise, an inmate surpasses the general average, the department may provide by rules to compensate him therefor by the allowance of money.

(4) Money accruing under this section remains under the control of the department, to be used for the benefit of the inmate or his family or dependents, under rules prescribed by the department as to time, manner and amount of disbursements; but if he escapes or becomes a fugitive from justice or commits a breach of discipline, the department may declare forfeited all earnings remaining to his credit, and such remainder shall be replaced in the fund from which it came.

See note to 56.01, citing 41 Atty. Gen. 199.

53.13 Property of inmates; donations and transportation on discharge. The money and effects (except clothes) in possession of an inmate when admitted to the prison shall be preserved and shall be restored to him when discharged. When released on discharge or parole he shall be given adequate clothing and \$10 in money in addition to transportation or the means to procure transportation from the prison to any place in this state. If released on parole the \$10 shall be given under rules promulgated by the department.

History: 1953 c. 71.

Warden of state prison is not required to furnish transportation or the means to procure transportation when the convict upon discharge or parole is met by a peace officer or by friends or relatives with an automobile, since it was the legislative intent that transportation be furnished only when necessary. 41 Atty. Gen. 249.

53.14 Property of deceased inmates, parolees or probationers, disposition. When an inmate of a prison or a parolee of an institution or a person on probation to the state department of public welfare dies leaving an estate of \$150 or less in the trust of the warden, the superintendent or the director of the state department of public welfare, such warden, superintendent or director shall make effort to determine whether or not such estate is to be probated. If probate proceedings are not commenced within 90 days, the warden, the superintendent or the director is authorized and directed to turn over the money or securities in his hands to the nearest of kin as evidenced by the records of the institution and the department.

History: 1953 c. 71; 1955 c. 43.

53.15 Activities off grounds; home for women. The superintendent of the Wisconsin home for women may take inmates away from the institution grounds for rehabilitative activities directly supervised by institution personnel for the purpose of donating blood to blood banks, attending lifesaving classes, gymnastic training, and vocational activities not available at the institution and participating in invitational appearances of selected groups.

History: 1955 c. 558.

53.17 Register of inmates. When any inmate is received into any state penal institution the department shall register the date of admission, the name, age, nativity and nationality and such other facts as may be obtained as to parentage, education and previous history and environments of such inmate. Entries shall be made on the register of the progress made by each inmate and his parole and his condition at the time of parole and the progress made by him while on parole.

53.18 Transfers of inmates. (1) Inmates of the Wisconsin state reformatory may be transferred by the department to the Wisconsin state prison.

(2) Inmates of the Wisconsin state prison and of the Milwaukee county house of correction (except those convicted of murder in the first or second degree) may be transferred to the reformatory or to the home for women and may be returned to the institution from which they were taken. 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.

(4) With each person transferred to a state prison from another institution, the warden or superintendent of such other institution shall transmit copies of the original commitment and of his prison record of service, conduct and history.

(5) Any person who is legally transferred by the department to a penal institution shall be subject to the same statutes, regulations and discipline as if he had been originally sentenced to that institution, but the transfer shall not change the term of sentence.

History: 1955 c. 575.

Allowing transfer of certain inmates of city and not unconstitutional. This authority Wisconsin school for girls to the Wisconsin not applicable to neglected or dependent home for women by the department of pub- children. 39 Atty. Gen. 334.
lic welfare is a lawful delegation of author-

53.30 Definition of jail. As used in sections 53.30 to 53.43, the word "jail" includes municipal prisons by whatever name they are known.

53.31 Use of jails. The county jail may be used for the detention of persons charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to a sentence or held in custody by the sheriff for any cause authorized by law; for the detention of persons sentenced to imprisonment in state penal institutions or the Milwaukee county house of correction, until they are removed to said institutions; for the temporary detention of persons in the custody of the department; and for other detentions authorized by law.

53.32 Location of jails restricted. No jail, lockup or temporary place of confinement shall be erected within 300 feet of any public, private or parochial school building or building used regularly or principally for school purposes.

300-foot distance between jail and school building" is to be measured from the school building, not the land boundary. Building containing jail and rooms used for other purposes is not in violation if jail entrance and jail part of building are 300 feet or more from the school, even though other parts of building are closer. Building used for Sunday school purposes is not a "school building" under this section. 45 Atty. Gen. 239.
300-foot distance between jail and school building must be measured in a straight line between the nearest points of the 2 buildings. Where a school has been constructed within 300 feet of an existing jail, jail building may be enlarged, but not in the direction of the school. Existing jail may not be enlarged so as to bring it within the prohibited distance. 45 Atty. Gen. 244.

53.33 Maintenance of prisoners in county jail. The maintenance of persons who have been sentenced to the state penal institutions, persons in the custody of the department, persons accused of crime and committed for trial, persons committed for the non-payment of fines and expenses, and persons sentenced to imprisonment therein, while in the county jail, shall be paid out of the county treasury; but no claim shall be allowed to any sheriff for keeping or boarding any person in the county jail unless he was lawfully detained therein.

History: 1955 c. 76.

Cross Reference: 62.24 (2) (b) makes city liable for keep of person confined in county jail for violation of city ordinance.

County not liable to city for maintenance of prisoners arrested on the initiative of city police and confined in city jail. 38 Atty. Gen. 642.

While county board has no statutory authority to compel sheriff to maintain and furnish records of his expenditures for expense of feeding prisoners in county jail, he

must nevertheless be able to furnish such records in order to substantiate any claim he may present to the county under 53.33, or to attack the fairness of any schedule of compensation for maintenance of prisoners adopted by the board under 59.15 (3). 39 Atty. Gen. 218.

53.34 Use of jail of 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 sheriff of such other county shall receive and keep the prisoner in all respects as if committed from his county; but the cost of such keep shall be paid by the county from which the prisoner was sentenced, committed or delivered.

53.35 Removal of prisoners in emergency. In an emergency and for the safety of prisoners in any jail, the sheriff or other keeper may remove them to a place of safety and there confine them so long as necessary. If any county jail is destroyed or is insecure for keeping prisoners, the sheriff may remove them to some other county jail, where they shall be received and kept as if committed thereto, but at the expense of the county from which they were removed. An indorsement on the commitment of a prisoner, made by the sheriff in charge of such prisoner, directed to the sheriff of another county, shall be authority for the latter to hold the prisoner.

53.36 Segregation of prisoners. All jails shall be provided with suitable wards or buildings for the separation of criminals from noncriminals; persons of different sexes; and persons alleged to be mentally ill. All prisoners shall be kept segregated accordingly.

53.37 Maintenance of jail and care of prisoners. (1) The sheriff or other keeper of a jail shall constantly keep it clean and in a healthful condition and pay strict attention to the personal cleanliness of the prisoners and shall cause the clothing of each prisoner to be properly laundered. He shall furnish each prisoner with clean water, towels and bedding. He shall serve each prisoner 3 times daily with enough well-cooked, wholesome food. The county board shall prescribe an adequate diet for the prisoners in the county jail.

(2) Neither the sheriff or other keeper of any jail nor any other person shall give, sell or deliver to any prisoner for any cause whatever any spirituous liquor or wine or cider or beer unless a physician certifies in writing that the health of the prisoner requires it, in which case he may be allowed the quantity prescribed.

(3) The county or municipality shall furnish its jail with necessary bedding, clothing, toilet facilities, light and heat for prisoners.

(4) The sheriff or other keeper of a jail is authorized to use without compensation the labor of those sentenced to actual confinement in the county jail in the maintaining of, and the housekeeping of the jail, including the property on which it stands. Any prisoner who escapes while working on the grounds outside the jail enclosure shall be punished as provided in s. 946.42.

History: 1953 c. 71; 1957 c. 610.

53.375 Giving liquor to prisoners; mingling sexes. Any sheriff, jailer or keeper of any prison or any other person who shall sell, give or deliver to any prisoner, or wilfully or negligently permit any such prisoner to have any spirituous or intoxicating liquor, and any prisoner who shall use such liquor, in violation of s. 53.37 (2), or who shall have in his possession in the precincts of any prison, with intent to sell, give or deliver the same to some prisoner, such spirituous or intoxicating liquor, or who shall place or keep together or knowingly permit to be kept together prisoners of different sexes, shall be punished by fine not exceeding \$100, or by imprisonment in the county jail not less than 30 days nor more than 6 months.

History: 1955 c. 696 s. 183.

53.38 Medical care of prisoners. If a prisoner needs medical or hospital care the sheriff or other keeper of the jail shall provide such care and may transfer him to a hospital, making provision for the security of the prisoner. The costs of medical and hospital care outside of the jail shall (if the prisoner is 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 municipality. The governmental unit paying such costs of medical or hospital care may collect the value of the same from him or his estate as provided for in section 49.08.

53.39 Freedom of worship; religious ministrations. In so far as practicable, the provisions of section 46.066 shall apply to county jails.

53.40 Discipline; solitary confinement. For violating the rules of the jail, an inmate may be kept in solitary confinement, under the care and advice of a physician, but not over 10 days.

53.41 Jail matrons. Whenever there is a female prisoner in any jail there shall be a matron on duty who is wholly responsible to the sheriff or keeper for the custody, cleanliness, food and care of such prisoner.

There must be a matron present in the jail and awake at all times while there is a female prisoner therein. 45 Atty. Gen. 31.

53.42 Jailer constantly at jail. There shall be a keeper or custodian or attendant present at every jail while there is a prisoner therein.

There must be a jailer present and awake at all times while a prisoner is lodged therein. 45 Atty. Gen. 31.

53.43 Credit for good conduct. If approved by the committing court, a prisoner sentenced to the county jail obtains a diminution of one-fourth of his term if his conduct, diligence and general attitude merit such diminution.