

54.11 History: 1947 c. 546, 560; Stats. 1947 s. 54.11; 1955 c. 575 s. 18.

54.12 History: 1947 c. 546, 560; Stats. 1947 s. 54.12.

54.13 History: 1947 c. 546, 560; Stats. 1947 s. 54.13.

54.14 History: 1947 c. 546, 560; Stats. 1947 s. 54.14.

54.15 History: 1947 c. 546, 560; Stats. 1947 s. 54.15.

54.16 History: 1947 c. 546, 560; Stats. 1947 s. 54.16.

54.17 History: 1947 c. 546, 560; Stats. 1947 s. 54.17.

54.18 History: 1947 c. 546, 560; Stats. 1947 s. 54.18.

54.19 History: 1947 c. 546, 560; Stats. 1947 s. 54.19.

54.20 History: 1947 c. 546, 560; Stats. 1947 s. 54.20.

54.21 History: 1947 c. 546, 560; Stats. 1947 s. 54.21.

54.22 History: 1947 c. 546, 560; Stats. 1947 s. 54.22.

54.23 History: 1947 c. 546, 560; Stats. 1947 s. 54.23.

Under 54.23 (3) and (4), Stats. 1947, the department of public welfare has authority to establish reception centers for delinquent children committed to it by juvenile courts. Under 59.23 (4) it is the duty of the sheriff to convey such delinquent children to the appropriate centers established by the department, upon delivery to him of the commitment. 36 Atty. Gen. 609.

54.24 History: 1947 c. 546, 560; Stats. 1947 s. 54.24.

54.25 History: 1947 c. 546, 560; Stats. 1947 s. 54.25.

54.26 History: 1947 c. 546, 560; Stats. 1947 s. 54.26.

54.27 History: 1947 c. 546, 560; Stats. 1947 s. 54.27.

54.28 History: 1947 c. 546, 560; Stats. 1947 s. 54.28.

54.29 History: 1947 c. 546, 560; Stats. 1947 s. 54.29.

54.30 History: 1947 c. 546, 560; Stats. 1947 s. 54.30; 1969 c. 276 s. 588 (1).

54.31 History: 1947 c. 546, 560, 614; Stats. 1947 s. 54.31; 1955 c. 575 s. 19.

54.32 History: 1947 c. 546, 560; Stats. 1947 s. 54.32; 1969 c. 255.

54.33 History: 1947 c. 546, 560; Stats. 1947 s. 54.33.

54.34 History: 1947 c. 546, 560; Stats. 1947 s. 54.34; 1957 c. 610.

54.35 History: 1947 c. 546, 560; Stats. 1947 s. 54.35.

54.36 History: 1947 c. 546, 560; Stats. 1947 s. 54.36; 1969 c. 255 s. 65.

54.37 History: 1947 c. 546, 560; Stats. 1947 s. 54.37.

54.38 History: 1947 c. 546, 560; Stats. 1947 s. 54.38.

CHAPTER 55.

Vocational Rehabilitation.

55.01 History: 1921 c. 534; Stats. 1921 s. 41.215; 1927 c. 425 s. 162; Stats. 1927 s. 41.71; 1937 c. 349; 1941 c. 104; 1945 c. 249, 586; 1947 c. 54; 1949 c. 536; 1955 c. 75; 1955 c. 204 s. 57; 1955 c. 652; 1965 c. 163; 1965 c. 292 s. 11 (3); 1965 c. 433; 1967 c. 26 ss. 31, 32, 33; 1967 c. 43 ss. 137, 154, 156 to 160, 181; Stats. 1967 s. 55.01; 1969 c. 55; 1969 c. 366 ss. 48, 117 (1) (c).

The state board of vocational and adult education has the duty of administering and interpreting the federal and state rehabilitation law; the industrial commission has a limited power of review under 102.61, Stats. 1953, if any; except for fraud or clear-cut abuse of power, the commission must approve the payment of rehabilitation expenses. *Massachusetts Bonding & Ins. Co. v. Industrial Comm.* 275 W 505, 82 NW (2d) 191.

The state board of vocational and adult education may pay tuition for attendance of a physically handicapped person at a school having courses especially designed for rehabilitation which is outside the district of his residence. 27 Atty. Gen. 464.

Aliens are not denied benefits of 41.71, Stats. 1943, if otherwise eligible. 32 Atty. Gen. 47.

CHAPTER 56.

Prison Labor.

56.01 History: 1913 c. 716; Stats. 1913 s. 4918m; 1919 c. 350 s. 2; Stats. 1919 s. 56.01; 1925 c. 386; 1929 c. 121; 1939 c. 501; 1943 c. 93; 1947 c. 366; 1951 c. 626 s. 2; 1953 c. 144, 501, 555; 1959 c. 113; 1967 c. 26.

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]

A school district is a political subdivision within the meaning of 56.01 (1). 28 Atty. Gen. 674.

The department of public welfare may not, under 56.01, Stats. 1947, sell prison manufactured articles other than those named in 56.06 to such nonprofit organizations as denominational hospitals, the American Legion and the Veterans of Foreign Wars. 36 Atty. Gen. 599.

Pay for prisoners is to be fixed under 53.12 (2), Stats. 1951. 41 Atty. Gen. 199.

56.02 History: 1907 c. 574; Stats. 1907 s. 4918—1; 1911 c. 377; Stats. 1911 s. 4918—1, 4918—14, 4918—15; 1913 c. 772 s. 15; 1919 c.

350 s. 3; Stats. 1919 s. 56.02; 1939 c. 501; 1943 c. 93; 1947 c. 366; 1957 c. 91.

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]

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

56.03 History: 1873 c. 193 s. 47; R. S. 1878 s. 4927; Stats. 1898 s. 4927; 1917 c. 611; 1919 c. 350 s. 4; Stats. 1919 s. 56.03; 1945 c. 185; 1947 c. 366; 1959 c. 113.

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 History: 1917 c. 360; Stats. 1917 s. 4937m to 4937p; 1919 c. 350 s. 6; Stats. 1919 s. 56.05; 1943 c. 93; 1947 c. 366; Stats. 1947 s. 56.04; 1969 c. 276 s. 588 (1), (2); 1969 c. 366 s. 117 (1) (c).

56.05 History: 1897 c. 346 s. 4; Stats. 1898 s. 4944b; 1899 c. 28 s. 1; Supl. 1906 s. 4944b; 1913 c. 723; Stats. 1913 s. 4944b, 4944s; 1919 c. 350 s. 8; Stats. 1919 s. 56.07; 1943 c. 93; 1945 c. 343; 1947 c. 366; Stats. 1947 s. 56.05; 1959 c. 113.

56.06 History: 1939 c. 501; Stats. 1939 s. 56.22; 1947 c. 366; Stats. 1947 s. 56.06.

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

56.065 History: 1965 c. 300, 636; Stats. 1965 s. 56.065; 1967 c. 153; 1969 c. 228; 1969 c. 366 s. 117 (1) (c).

56.07 History: 1939 c. 106; Stats. 1939 s. 56.095; 1947 c. 366; Stats. 1947 s. 56.07; 1951 c. 242; 1953 c. 31 s. 46; 1953 c. 144; 1955 c. 180; 1955 c. 696 s. 12C-12E; 1959 c. 504.

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 History: 1895 c. 290 s. 2, 4, 5, 10; Stats. 1898 s. 697c; 1907 c. 341; 1913 c. 625; 1917 c. 30 s. 2; 1919 c. 350 s. 10; Stats. 1919

s. 56.08; 1927 c. 34; 1929 c. 342; 1943 c. 93; 1945 c. 185; 1947 c. 366; 1949 c. 46; 1951 c. 433; 1953 c. 682; 1957 c. 43; 1959 c. 504; 1961 c. 495; 1965 c. 39 s. 3; 1965 c. 617, 636; 1967 c. 276 s. 40; 1969 c. 366 s. 117 (1) (c); 1969 c. 492.

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 non-feasance 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]

Editor's Note: In connection with the amendment effected by ch. 492, Laws 1969, see the opinion published in 53 Atty. Gen. 30.

Under 56.08, Stats. 1947, the superintendent of the house of correction was obliged to arrange for a continuation of the work of regularly employed persons sentenced to such institution by the circuit court for contempt of court; 56.08 controls 56.19 which requires the superintendent to place inmates of the house of correction at such employments as are prescribed by the county board, etc. State ex rel. Buse v. Drewniak, 252 W 431, 31 NW (2d) 773.

While the sheriff of Milwaukee county may put prisoners, sentenced to the county jail, to work, he has no authority to parole them. 6 Atty. Gen. 483.

A trial judge has the power to order a prisoner sentenced to jail and let out at hard work to be brought back to jail for every night, Sundays and holidays. 11 Atty. Gen. 46.

56.08, Stats. 1921, applies to imprisonment in the county jail for failure to pay the fine imposed. 11 Atty. Gen. 47; 12 Atty. Gen. 308.

The court has no authority to relieve unconditionally from the balance of his sentence a prisoner under 6-months' sentence in the county jail who was allowed to go home before his time expired; the sentence expires at the end of 6 months from the time he began to serve it. 12 Atty. Gen. 532.

Prisoners committed to county jail at actual confinement may not be assigned duties connected with the jail business outside the jail enclosure, at least unless under guard, since their employment is not authorized by 56.08, Stats. 1951. Such prisoners may be required to do housekeeping tasks about the jail but no labor which would ordinarily require a paid employe. Prisoner sentenced to hard labor under 56.08, who escapes while working outside the jail, may be prosecuted under 346.45 (2). 41 Atty. Gen. 219.

Earnings of county jail prisoners are not subject to garnishment for the prisoner's debts nor to a lien for federal taxes under 26 U. S. C. sec. 3670, but any balance remaining in the hands of the sheriff, which is payable to the prisoner at the end of his term, while not subject to garnishment, apparently, is subject to a lien for federal taxes, which is a continuing lien and attaches to after-acquired property. 42 Atty. Gen. 300.

A county may not require prisoners sentenced to the county jail to work outside the jail premises except as provided in 56.08, and if so employed, they are entitled to workmen's compensation under ch. 102. 51 Atty. Gen. 116.

56.16 History: P. & L. 1855 c. 318 s. 1, 6; 1865 c. 189; P. & L. 1868 c. 442; 1878 c. 298; R. S. 1878 s. 604c; 1880 c. 249; Ann. Stats. 1889 s. 604c; 1893 c. 252; Stats. 1898 s. 603, 604; 1899 c. 212; 1903 c. 40; 1903 c. 356 s. 1; Supl. 1906 s. 697—1; 1907 c. 118, 236; 1919 c. 351 s. 1; Stats. 1919 s. 56.16; 1947 c. 366.

Revisor's Note, 1919: The note to this section is exhaustive. It reviews the many acts relating to the house of correction of Milwaukee county, discusses the legal question involved and cites many decided cases. The note is printed in section 1 of Bill No. 58 S.

56.17 History: P. & L. 1855 c. 318 s. 4, 15; 1865 c. 189; 1899 c. 212; 1919 c. 351 s. 2; Stats. 1919 s. 56.17; 1939 c. 48; 1947 c. 366; 1965 c. 249.

56.18 History: P. & L. 1855 c. 318 s. 10, 13; 1865 c. 189; P. & L. 1866 c. 439; P. & L. 1868 c. 442; P. & L. 1872 c. 5; 1899 c. 212; 1913 c. 355; Stats. 1913 s. 4733c; 1919 c. 351 s. 3; Stats. 1919 s. 56.18; 1923 c. 242; 1925 c. 300; 1929 c. 391; 1939 c. 48; 1943 c. 93; 1947 c. 366; 1961 c. 93; 1967 c. 276 s. 39; 1969 c. 255.

Comment of Interim Committee, 1947: The provisions for sentence to solitary confinement are omitted. Under (4) transfers of 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]

The inspector of the house of correction is made the custodian of all prisoners detained by him, but it is not necessary to name the inspector in a warrant of commitment, 56.18, Stats. 1921, being directory. *Langen v. Borkowski*, 188 W 277, 206 NW 181.

The terms "actual and reasonable costs of maintenance" in 56.18 (2), "expense" in 66.12 (1) (c), and "board" in 176.43 (1), Stats. 1963, all relating to liability for keeping prisoners, are to be considered together to ascertain their meaning, and when construed in light of their historical use and pre-existing enactments, are determined to embrace only out-of-pocket expenses directly affecting prisoners' keep, and do not include maintenance and operation charges of the jail and house of correction as a building. Such language includes the expenditures for the services of cooks, food-service workers, and administrative personnel, since the cost of meals for prisoners includes the cost of the raw food and the labor entailed in preparing and serving the same. *City of Milwaukee v. Milwaukee County*, 27 W (2d) 53, 133 NW (2d) 393.

An inmate in the Milwaukee county house of correction may be transferred to the state prison if he falls into the class described in 56.18 (4). 11 Atty. Gen. 863.

56.19 History: P. & L. 1855 c. 318 s. 11, 12; 1865 c. 189; 1875 c. 174; 1899 c. 212; 1909 c. 411; 1917 c. 261; Stats. 1917 s. 670 (21); Spl. S. 1918 c. 8; 1919 c. 351 s. 4; Stats. 1919 s. 56.19; 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 History: 1865 c. 189 s. 7; 1919 c. 351 s. 6; Stats. 1919 s. 56.20; 1947 c. 366.

Federal prisoners may, under contract made pursuant to 56.20, Stats. 1925, be sent or committed by the United States to the Milwaukee house of correction, notwithstanding the term of imprisonment exceeds 18 months. 14 Atty. Gen. 558.

56.21 History: 1927 c. 241 s. 1; Stats. 1927 s. 56.21; 1945 c. 537; 1947 c. 366; 1951 c. 539; 1961 c. 187; 1969 c. 276 s. 584 (1) (b).

The Milwaukee house of correction is not a state institution. 20 Atty. Gen. 73.

56.22 History: 1919 c. 350 s. 20; Stats. 1919 s. 56.15; 1947 c. 366; Stats. 1947 s. 56.22.

CHAPTER 57.

Paroles and Pardons.

Comment of Interim Committee, 1947: The interim committee created by Joint Resolution No. 79 (72-S) to revise and codify the public welfare laws hereby submits a bill to revise chapter 57 of the statutes, entitled "Probation, Paroles and Pardons of Convicts." The bill proposes some changes in the law but those changes are not radical and do not change state policies. Changes are made when needed to supply omissions, to make administrative procedure more complete and simple, to make the statute expressly provide long-established procedure. From first to last we have endeavored to make the language more simple and clear.

Wherever any change in the law is intended the section involved is followed by a committee comment, which points out or explains the proposed change. Unless there is such a comment, the committee wishes to be understood as intending no change of meaning. [Bill 256-S]

57.06 History: 1907 c. 110; 1909 c. 182; 1911 c. 663 s. 520; Stats. 1911 s. 4960c—1 to 4960c—7; 1913 c. 355, 778; 1919 c. 615 s. 8; Stats. 1919 s. 57.06; 1925 c. 359 s. 3; 1933 c. 384; 1937 c. 165; 1943 c. 312; 1943 c. 313; 1943 c. 553 s. 7; 1947 c. 477; 1951 c. 242, 318; 1953 c. 72; 1955 c. 260, 372; 1955 c. 696 s. 14; 1957 c. 97 s. 26; 1959 c. 113, 315; 1961 c. 637; 1965 c. 520.

Comment of Interim Committee, 1947: In a questionnaire which was widely distributed, paragraph 14 states the procedure for paroles under sections 57.06 and 57.07; and then submits this question: "Shall the law be amended eliminating the requirement of approval by the governor?" In the answers received 77 said yes, 46 no, and 36 don't know. In view of the many and varied duties of the governor and the vast number of paroles issued, it is apparent that the governor cannot personally examine the details and facts on which the paroles are granted or denied. He must rely on some person or agency to advise him. The proper agency for that purpose is the depart-