

No. 16, S.]

[Published March 21, 1919.

## CHAPTER 34.

AN ACT to legalize the investment of certain moneys of the Teachers' Insurance and Retirement Fund in bonds of the United States.

*The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The investment on November 15, 1917, of five thousand dollars of the Teachers' Insurance and Retirement Fund by the board of trustees of the said Teachers' Insurance and Retirement Fund, in bonds of the United States, is hereby legalized and validated to the same extent and with like effect as if the said investment were made pursuant to full authority of law.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 18, 1919.

No. 33, S.]

[Published March 21, 1919.

## CHAPTER 35.

AN ACT to amend sections 4736, 4737, and 4738, and to create section 4738a of the statutes, relating to judgments in criminal actions.

*The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections 4736, 4737, and 4738 of the statutes are amended to read: Section 4736. When any person is convicted of any offense punishable only by imprisonment in the state prison and it is alleged in the indictment or information therefor and proved or admitted on the trial *or ascertained by the court after conviction* that he had been before sentenced to punishment by imprisonment in any state prison, *or state reformatory*, by any court of this state, or any other state or of the United States, and that such sentence remains of record unreversed, whether pardoned therefore or not, \* \* \* *he* may be punished by imprisonment in the state prison not less than the shortest time fixed for such offense and not more than twenty-five years.

SECTION 4737. When any person is convicted of any offense punishable by imprisonment in the state prison or in the county jail, in the discretion of the court, and it is alleged in the indictment or information and proved or admitted on the trial *or ascertained by the court after conviction* that he had been before

sentenced to imprisonment, either in any state prison or county jail, by any court of this state or of any other state or of the United States, and that such sentence remains of record and unreversed, whether pardoned therefor or not, \* \* \* he may be punished by imprisonment in the state prison not less than the shortest time fixed for such offense and not more than five years, or in the county jail not less than the shortest time fixed for said offense and not more than one year.

SECTION 4738. When any person is convicted of any offense punishable only by imprisonment in the county jail or by fine, or both, and it is alleged in the indictment, information or complaint and proved or admitted on the trial *or ascertained by the court after conviction* that he had been before sentenced to imprisonment, either in any state prison, state reformatory, house of correction or county jail, by any court of this state or of any other state or of the United States, and that such sentence remains of record and unreversed, whether pardoned therefor or not, such person may be punished by imprisonment in the county jail not less than the shortest time fixed for such offense and not more than one year, or by imprisonment in the state prison not more than three years nor less than one year.

SECTION 2. A new section is added to the statutes to read: Section 4738a. If such former conviction shall not have been charged in the information, indictment or complaint, then, after a plea of guilty is entered, or a verdict of guilty returned by the jury, and before sentence is passed, the court may ascertain in every case whether the defendant has been previously convicted of any offense in any court. For that purpose the defendant may be photographed and measured and all data taken necessary to his identification by means of identification bureaus and other records of crime. It shall be the duty of the district attorney and sheriff of the county to aid in such investigation, and the court may order the necessary disbursements thereby incurred to be paid in the same manner as the fees of witnesses upon the trial. After such investigation the district attorney may in writing charge the defendant with such former conviction, and if the defendant denies such charge, the court shall proceed promptly to try the issue thereby formed, and, if demanded by the defendant, shall empanel a jury therefor.

SECTION 3. This act shall take effect upon passage and publication.

Approved March 18, 1919.