

## 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 \$2 per day. The term "manufacturing" includes reprocessing, repairing, salvaging, servicing and storing; and obsolete supplies, materials and equipment may be reconditioned for sale under s. 15.59. The department may also operate a central warehouse and central generating station with the employment of prisoners to supply its institutions. The department may also maintain an auto shop in connection with the auto school at the reformatory and may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by inmates enrolled in said school, and shall fix the price of such work as near as possible to the market value of the labor and materials furnished.

(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.

**History:** 1951 c. 626; 1953 c. 144, 501, 555.

The sum of 25 cents per day specified in department of public welfare may provide (1) represents the minimum to be paid to for larger payments under the standards prisoners for the work there described. The prescribed in 53.12 (2). 41 Atty. Gen. 199.

**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.

**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.

**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.

**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.

**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.

**56.07 County reforestation camps.** (1) Any county may by ordinance designate any county forest project under s. 28.11 to be a county reforestation camp and provide facilities therein for keeping and maintaining prisoners and inebriates committed under s. 51.09 and giving them employment not exceeding 8 hours each day, without compensation unless otherwise determined by the county board, in charge of a superintendent who shall have the powers and duties of a jailer.

(2) When convicted persons are subject to commitment to the county jail, or to the state prison under s. 52.05 or s. 939.62 (1) (a) for a term not exceeding 2 years, the court may instead commit them for equivalent terms to a reforestation camp authorized under sub. (1).

(3) Each prisoner serving a sentence under s. 52.05 or s. 939.62 shall receive time credits at the rate of one day for each 6 days served. Each prisoner serving such a sentence may be transferred to the state prison upon recommendation of the superintendent and approval of the department. The county board may, pursuant to its regulations approved by the department, extend to all other prisoners similar time credits, pecuniary earnings and rewards, subject to similar conditions and limitations, as those prescribed by s. 53.12 for prisoners in the state prison. Any inmate who violates any regulation of the camp shall forfeit from good time previously earned 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 superintendent with the approval of the county board committee appointed under s. 28.11 may cancel all or part of such good time.

(5) Any county may contract with an adjoining county having a county reforestation camp, upon such terms and conditions as may be agreed upon, for keeping, maintaining and employing without compensation unless otherwise provided by the contract, convicted persons subject to county jail sentence, and in that event such persons may be committed to such county reforestation camp in the adjoining county.

(6) Any officer who shall receive the commitment of any person to the county reforestation camp shall convey such person thereto as soon as practicable; and shall be entitled to compensation at the rate of 10 cents per mile for each mile actually traveled in such service, going and returning, and in addition 5 cents per mile for the transportation of each prisoner.

(7) If any inmate of a reforestation camp, in the performance of his work in connection with the maintenance of the camp, 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 have been 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 inmate is from an adjoining county such county shall pay such compensation.

(8) The provisions of sections 53.31 to 53.42 in so far as they relate to persons committed and are not in conflict with the provisions of this section shall apply to persons committed under this section.

(9) Inmates of a reforestation camp sentenced to such camp for less than one year or in lieu of a county jail sentence shall be subject to the same diminution of time as is provided in ss. 56.08 (5) and 53.43.

**History:** 1951 c. 242; 1953 c. 31, 144; 1955 c. 180, 696.

**56.08 Employment of misdemeanants.** (1) Any person sentenced to the county jail is committed at 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. Where the sentence originally imposed is at ordinary confinement, or where hard labor has been revoked, the court may thereafter, at any time during the term of such sentence, place such person at hard labor.

(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 pay the prisoner's board and personal expenses, both inside and outside the jail, and, to the extent directed by the court, pay the support of his dependents, if any, and, if sufficient funds are available after making the foregoing payments, pay in whole or in part the pre-existing debts of the prisoner. 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, but in counties having a population of 500,000 or more whenever the sentence of the court specifies commitment to other than hard labor and except in case of hospitalization for needed treatment, such commitment shall be to the county jail and not to the house of correction of such county.

(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.

**History:** 1951 c. 433, 682.

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. 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. A. s. 3670, but one-half of 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. (1951 Stats.) 42 Atty. Gen. 300.

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

**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.

**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.

**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.

**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.

**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.

**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 being released from such institution either upon parole or upon final 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.

**History:** 1951 c. 539.

**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.