

No. 207, A.]

[Published May 20, 1949.

**CHAPTER 128.**

AN ACT to amend 346.44 of the statutes, relating to escape of persons under arrest and providing a penalty.

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

346.44 of the statutes is amended to read:

346.44 Any person who may be detained or imprisoned in any police station, lockup or municipal or county jail pursuant to a lawful arrest, with or without a warrant or other process, for felony, misdemeanor or violation of any ordinance, who shall break such prison and escape, shall be punished by imprisonment in the county jail not more than \* \* \* *one year* or by a fine of not more than \* \* \* *\$500, or by both such*

*imprisonment and fine.* Illegality of the arrest shall be a defense but in every such case the arrest shall be presumed to have been lawful unless the defendant shall establish the contrary, and mere technical irregularities in the warrant or other process, if any, shall be no defense if an offense is substantially charged therein nor shall the guilt or innocence of the defendant of the offense for which he was arrested be material.

Approved May 18, 1949.

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