

range seven east, as said commissioners may deem advisable, and subject to any public easements that may be located thereon, for cemetery purposes.

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

Approved June 24, 1925.

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No. 303, A.]

[Published June 26, 1925.

### CHAPTER 358.

AN ACT to establish a trout hatchery near Lake Hallie in Eau Claire county, and to make an appropriation.

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

SECTION 1. (1) The state conservation commission may establish a trout hatchery at some suitable location near Lake Hallie in Eau Claire county.

(2) There is appropriated to the state conservation commission from the conservation fund the sum of three thousand five hundred dollars in order to construct the necessary buildings and make the necessary investigations to determine the proper location of such hatchery.

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

Approved June 24, 1925.

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No. 246, A.]

[Published June 26, 1925.

### CHAPTER 359.

AN ACT to repeal sections 54.03, 359.05 (4731) and 359.07 (4733); to create three new sections to be numbered sections 54.03, 359.05 and 359.07, and to amend subsection (1) of section 57.06 of the statutes, relating to indeterminate sentences.

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

SECTION 1. Sections 54.03, 359.05 (4731) and 359.07 (4733) of the statutes are repealed.

SECTION 2. Three new sections are added to the statutes to be numbered and to read: 54.03 (1) Except as provided in subsections (2) and (3) of this section, the sentence of any person belonging to either of classes one or two defined in section 54.02 shall be for a term not less than one year and shall be for a general or indeterminate term not less than the minimum nor more than the maximum term of imprisonment prescribed by law for the offense. In imposing the maximum term, the court may fix a term less than the maximum prescribed by law for the offense. Such general sentence shall be substantially as follows:

“You are sentenced to the Wisconsin state reformatory or to the Wisconsin Industrial home for women for a general or indeterminate term of not less than..... (the minimum for the offense) years, and not more than ..... (the maximum fixed by the court) years.”

Such sentence shall have the force and effect of a sentence for the maximum term subject to the power of actual release from confinement by parole by the board of control or actual discharge by the governor upon recommendation of the board of control or by pardon as provided by law. If, through mistake or otherwise, any person shall be sentenced for a definite period of time for any offense for which he may be sentenced under the provisions of this section, such sentence shall not be void, but the prisoner shall be deemed to be sentenced nevertheless as provided and required by the terms of this section. Nothing herein shall be construed to extend or to modify the term of imprisonment of any person sentenced prior to the enactment of this statute.

(2) Upon the recommendation of the superintendent and the board of control, the governor may, without the procedure required by chapter 57 of these statutes, discharge absolutely, or upon such conditions and restrictions, and under such limitations as he may think proper, any inmate of the reformatory after he shall have served the minimum term of punishment prescribed by law for the offense for which he was sentenced. Such discharge shall have the force and effect of an absolute or conditional pardon, respectively.

(3) In lieu of the penalty provided by statute, or city or village ordinance, under which said offender is tried, the court may com-

mit any female person belonging to class two or three to the industrial home, for a general or indeterminate term, which term shall not exceed five years in any case, subject to the power of release from actual confinement, by parole or absolute discharge by the board of control or by pardon, as provided by law.

(4) All courts of record having criminal jurisdiction in this state, regardless of their jurisdictions as otherwise defined by statute, shall have the power to commit as provided in subsection (4).

359.05 In every case in which the punishment of imprisonment in the state prison is awarded against any convict, except persons convicted of treason, murder in the first degree as defined by law, rape, kidnapping, or in the case of any crime for which a minimum penalty is fixed by statute at twenty years or more, the form of the sentence shall be substantially as follows:

“You are hereby sentenced to the state prison at Waupun at hard labor for a general indeterminate term of not less than (the minimum for the offense) years, and not more than (the maximum fixed by the court) years” and shall have the force and effect of a sentence of the maximum term, subject to the power of actual release from confinement by the board of control or actual discharge of the governor upon recommendation of the board of control or by pardon as provided by law. If through mistake or otherwise any person shall be sentenced for a definite period of time for any offense for which he may be sentenced under the provisions of this section, such sentence shall not be void, but the person shall be deemed to be sentenced nevertheless as defined and required by the terms of this section. Persons convicted of treason, murder in the first degree as defined by law, rape, kidnapping, or in the case of any other crime for which a minimum penalty is fixed by statute at twenty years or more, shall be sentenced for a certain term of time. Nothing herein shall be construed to extend or modify the term of imprisonment of any person sentenced prior to the enactment of this statute.

359.07 The sentence of any convict found guilty of treason, murder in the first degree as defined by law, rape, kidnapping, or of any crime the minimum penalty for which is fixed by statute at twenty years or more, to imprisonment in the state prison, shall be for a certain term of time. In all other cases the sentence shall be for a term not less than one year and shall be for a general or indeterminate term not less than the minimum nor more than the

maximum term of imprisonment prescribed by law for the offense. In imposing the maximum term, the court may fix a term less than the maximum prescribed by law for the offense. All sentences shall commence at twelve o'clock, noon, on the day of such sentence, but any time which may elapse after such sentence, while such convict is confined in the county jail or is at large on bail, or while his case is pending in the supreme court upon writ of error or otherwise, shall not be computed as any part of the term of such sentence; provided that when any person is convicted of more than one offense at the same time the court may impose as many sentences of imprisonment as the defendant has been convicted of offenses, each term of imprisonment to commence at the expiration of that first imposed, whether that be shortened by good conduct or not; and provided further that when any convict confined in said prison shall escape therefrom, the time during which he unlawfully remains absent from the prison after such escape shall not be computed as any part of the term for which such prisoner was sentenced to be confined in the prison.

SECTION 3. Subsection (1) of section 57.06 of the statutes is amended to read: (57.06) (1) The board of control, with the approval of the governor, may, upon ten days' written notice to the district attorney and judge who participated in the trial of the prisoner, parole any prisoner convicted of a felony and imprisoned in the state prison or in the house of correction of Milwaukee county who, if sentenced for less than life, shall have served at least one-half of the term for which he was sentenced, not deducting any allowance of time for good behavior, or who, if sentenced for life, shall have served thirty years less the diminution which would have been allowed for good conduct, pursuant to law, had his sentence been for thirty years, *or who if he is a first offender and is sentenced for a general or indeterminate term, shall have served the minimum for which he was sentenced not deducting any allowance for time for good behavior.*

SECTION 4. This act shall take effect upon passage and publication.

Approved June 24, 1925.