

the conditions under which the parole is suspended, including instructions as to where and when and to whom such parolee shall report upon his discharge from the armed forces.

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CHAPTER 313.

AN ACT to repeal and recreate 57.06 and 57.07 and to amend 54.02 (1), 359.05 and 359.07 of the statutes, relating to sentences and paroles.

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

SECTION 1. 54.02 (1) of the statutes is amended to read:

54.02 (1) Male persons not less than 16 nor more than 25, and female persons not less than 18 nor more than 30 years of age, of the following classes, may, in the discretion of the court, be sentenced and committed, respectively, to the said reformatory or industrial home, namely:

Class one: Male persons convicted * * * of a felony, or convicted * * * of any misdemeanor punishable by imprisonment in the county jail or house of correction for one year or more; except male persons convicted of murder in the first or second degree.

Class two: Female persons convicted of a felony, and female persons whenever convicted, of any misdemeanor punishable by imprisonment in the county jail or house of correction for one year or more; except female persons convicted of murder in the first or second degree.

Class three: Female persons convicted of any other misdemeanor.

SECTION 2. 57.06 and 57.07 of the statutes are repealed and recreated to read:

57.06 PAROLES FROM STATE PRISON AND MILWAUKEE HOUSE OF CORRECTION. (1) (a) The state department of public welfare with the approval of the governor, may, upon 10 days' written notice to the district attorney and the judge who participated in

the trial of the prisoner, parole any prisoner convicted of a felony and imprisoned in the state prison, the prison for women or in the house of correction of Milwaukee county, who, if sentenced on an indeterminate term, shall have served the minimum or one-half of the maximum or 2 years, whichever shall be less, not deducting any allowance of time for good behavior, or who, if he is sentenced for less than life on a determinate sentence shall have served one-half of the term or 2 years, whichever shall be less, not deducting any time allowance for good behavior, or who, if sentenced for life, shall have served 20 years less the diminution which would have been allowed for good conduct, pursuant to law, had his sentence been for 20 years.

(b) The state department of public welfare, with the approval of the governor, may discharge from parole, any such paroled prisoner, when in its judgment and subject to rules and regulations determined by the department, it is for the best interests of society and such paroled prisoner.

(2) No such prisoner shall be released on parole until it shall appear to the satisfaction of the state department of public welfare, that some suitable employment has been secured for him unless otherwise provided for by said department; and the paroled prisoner shall at least once each month render a written report to said board giving such information as may be required by the said department, and the report so submitted shall be approved by the person in whose employment the prisoner may be at the time, unless otherwise provided for by the said department.

(3) Every such paroled prisoner remains in the legal custody of the state department of public welfare, unless otherwise provided for by the said department, and all prisoners under such custody, may at any time, on the order of the department, be reimprisoned in said prison or house of correction; and shall be reimprisoned whenever found exhibited in any show or exhibition. A certified copy of said order shall be sufficient authority for any officer executing it to take and convey the prisoner to the institution from which he was paroled, and all officers shall execute such order in the same manner as a warrant for arrest, but any such officer, may, without order or warrant, whenever it appears necessary in order to prevent escape or enforce discipline, take and detain the prisoner and bring him before the department for its action.

57.07 PAROLES FROM REFORMATORY AND INDUSTRIAL HOME FOR WOMEN. (1) The state department of public welfare with the approval of the governor, may parole any inmate in the state reformatory or industrial home for women whenever suitable employment has been secured for such inmate, and his past conduct for a reasonable time has satisfied said board that he will be law abiding, temperate, honest, and industrious.

(2) Every such paroled inmate remains in the legal custody of said department, and may be returned to the institution from which he was paroled, in the manner prescribed in section 57.06 (3).

SECTION 3. 359.05 of the statutes is amended to read:

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, * * * kidnaping, or of any crime for which a minimum penalty is fixed by statute at * * * 20 years or more, the court may fix a term less than the maximum prescribed by law for the offense, and 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 as fixed by the law for the offense) years and not more than . . . (the maximum as 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, * * * kidnaping, or in the case of any other crime for which a minimum penalty is fixed by statute at 20 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.

SECTION 4. 359.07 of the statutes is amended to read:

359.07 The sentence of any convict found guilty of treason, murder in the first degree as defined by law, * * * kidnaping, or of any crime the minimum penalty for which is fixed by statute at 20 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 of 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 said prisoner was sentenced to be confined in the prison.

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