

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 inmates in the state prisons, 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. 16.74. 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.

56.02 Binder twine plant. (1) The department may 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 wardens and the superintendents of the state prisons may employ inmates outside the institution's yard in cultivating the farms 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 state prisons vocational schools and instruct the inmates 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.

56.065 Work release plan for prison inmates. (1) The department of public welfare may grant work release privileges to any person incarcerated within the state prisons who has not been sentenced to a life term, providing the sentencing court has been notified and does not object within 10 days of receipt of notice.

(2) The department shall establish rules for the administration of the work release program and shall determine those inmates who may participate in the plan. If any inmate violates the conditions prescribed by the institution, his work release privileges may be withdrawn. Failure to report to or return from the planned employment shall be considered an escape under s. 946.42 (3).

(3) The department shall designate and adapt facilities of the state prisons for the purpose of quartering inmates with work release privileges. No inmate shall be granted work release privileges until such suitable quarters in a prison facility have been provided in the area of accepted or proffered employment.

(4) (a) Every inmate gainfully employed under a work release program shall be liable for the cost of his board and clothing at the prison and for any expenses incident to such employment.

(b) The wages of inmates gainfully employed shall be collected by the prison responsible for his care. Such wages are not subject to garnishment either in the hands of the employer or the prison during the inmate's term and shall be disbursed only as provided in this section, but for tax purposes they are income of the prisoner.

(5) The salaries or wages of any employed inmates shall be disbursed by the department in the order stated:

- (a) The board of the prisoner including food and clothing;
- (b) Necessary travel expense to and from work and other incidental expenses of the prisoner;
- (c) Support of the prisoner's dependents, if any;
- (d) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;
- (e) The balance, if any, to the prisoner upon his discharge.

History: 1965 c. 300.

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 s. 53.43.

56.08 "Huber Law"; employment of county jail prisoners. (1) Any person sentenced to a county jail for crime, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes but whenever the sheriff of the county certifies that facilities are not available, the sentencing court shall be without authority to provide that persons committed for nonpayment of a fine imposed for violation of a municipal or county ordinance may be permitted to serve their alternative jail sentence under the provisions of this section:

- (a) Seeking employment;
- (b) Working at his employment;
- (c) Conducting his own business or other self-employed occupation including, in the case of a woman, housekeeping and attending the needs of her family;
- (d) Attendance at an educational institution; or
- (e) Medical treatment.

(2) Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. The prisoner may petition the court for such privilege at the time of sentence or thereafter, and in the discretion of the court may renew his petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) The sheriff shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary the sheriff shall collect the same or require the prisoner to turn over his wages or salary in full when received, and the sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment in the hands of either the employer or the sheriff during the prisoner's term, and shall be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

(4) Every prisoner gainfully employed is liable for the cost of his board in the jail as fixed by the county board. If necessarily absent from jail at a meal time he shall at his request be furnished with an adequate nourishing lunch to carry to work. The sheriff shall charge his account, if he has one, for such board. If the prisoner is gainfully self-employed he shall pay the sheriff for such board, in default of which his privilege under this section is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay over such board payments to the county treasurer. The county board may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

(5) By order of the court, the wages or salaries of employed prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

- (a) The board of the prisoner;
- (b) Necessary travel expense to and from work and other incidental expenses of the prisoner;
- (c) Support of the prisoner's dependents, if any;
- (d) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;
- (e) The balance, if any, to the prisoner upon his discharge.

(6) 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.

(7) (a) If the prisoner was convicted in a justice or a municipal justice court, a court having criminal jurisdiction (other than the circuit court) located in the county seat (designated for this purpose by the judges of all such courts if there is more than one) has authority and jurisdiction to make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(b) If the prisoner was convicted in a court in another county, the court of record having criminal jurisdiction referred to in par. (a) may, at the request or with the concurrence of the committing court, make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(8) The county board may by resolution direct that functions of the sheriff under sub. (3) or (5), or both, be performed by the county department of public welfare; or, if the board has not so directed, a court of record may order that the prisoner's earnings be collected and disbursed by the clerk of court. Such order shall remain in force until rescinded by the board or the court, whichever made it.

(9) The county department of public welfare shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

(10) The sheriff may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in sub. (1) for not to exceed 5 days for any breach of discipline or other violations of jail regulations.

(11) In this section "jail" includes house of correction and "sheriff" includes the superintendent thereof; but in counties having a population of 500,000 or more a prisoner granted the privilege authorized by sub. (1) (except par. (e)) shall be committed to the county jail, not to the house of correction.

(12) In counties having a population of 500,000 or more any person violating the privilege granted under sub. (1) may, upon or after having such privilege revoked or withdrawn, be transferred by the county jailer to the house of correction for the remainder of the term of his sentence.

History: 1961 c. 495; 1965 c. 39.

A county may not require prisoners sentenced to the county jail to work outside the jail premises except as provided in 56.08, and if so employed, they are entitled to workmen's compensation under Ch. 102. 51 Atty. Gen. 116.

Under (4) "board" for Huber law prisoners is limited to reasonable cost of meals and may be charged only when prisoner is gainfully employed. Reimbursement may be required for personal items furnished prisoners. 53 Atty. Gen. 30.

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 the board prescribes. No such regulation shall be finally adopted on the day on which it is first presented to the board for consideration, nor until it has been considered and reported upon by the proper committee of the board. The board may by ordinance place the management of said house under the control of the county board of public welfare provided for by s. 46.21, and in such event said s. 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 misdemeanor and traffic branches of the county court and criminal division branches of the circuit court, 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 county board of public welfare if such board is 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.

History: 1965 c. 249.

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 2 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 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 superintendent may forthwith return him to the committing court and the court shall sentence said person to the state prison for the remainder of the term for which originally sentenced, less any credits for good behavior accumulated under s. 56.19.

(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.

History: 1961 c. 93.

The terms "actual and reasonable costs of maintenance" in 56.18 (2), "expense" in 56.12 (1) (c), and "board" in 176.43 (1), all relating to liability for keeping prisoners, are to be considered together to ascertain their meaning, and when construed in light of their historical use and pre-existing enactments, are determined to embrace only out-of-pocket expenses directly affecting prisoners' keep, and do not include main-

tenance and operation charges of the jail and house of correction as a building. Such language includes the expenditures for the services of cooks, food-service workers, and administrative personnel, since the cost of meals for prisoners includes the cost of raw food and the labor entailed in preparing and serving the same. *City of Milwaukee v. Milwaukee County*, 27 W (2d) 53, 133 NW (2d) 393.

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 assigned work 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 \$5,000 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: 1961 c. 187.

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.