

No. 56, S.]

[Published April 14, 1919.

## CHAPTER 78.

AN ACT to renumber chapter 202 of the statutes to be chapter 55; and to renumber, amend and revise the sections thereof, relating to county jails and other municipal prisons.

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

SECTION 1. Chapter 202 of the statutes is renumbered to be chapter 55, COUNTY JAILS AND OTHER MUNICIPAL PRISONS.

SECTION 2. Section 4945 is renumbered to be section 55.01, and amended to read:

55.01 ERECTION AND OBJECTS OF COUNTY JAILS. *The county board of each county shall cause to be erected, at the county seat, a county jail, which shall be used: \* \* \**

(1) For the detention of persons charged with offenses and duly committed for trial.

(2) For the detention of persons \* \* \* duly committed to secure their attendance as witnesses on the trial of any criminal cause.

(3) For the confinement of persons committed pursuant to a sentence \* \* \* for an offense, \* \* \* or duly committed or held in custody by the sheriff for any cause authorized by law.

(4) For the confinement of persons \* \* \* sentenced to imprisonment in \* \* \* *state penal institutions or the Milwaukee house of correction*, until such time as they shall be removed to \* \* \* *said institutions.*

SECTION 3. Section 566m is renumbered to be section 55.02, and amended to read:

55.02 RESTRICTIONS ON LOCATION OF PRISONS. \* \* \* *The county jail shall not be located, constructed, or arranged for in the basement of any other building; and no prison, lockup, or temporary place of confinement for insane persons, or persons arrested for breach of ordinance or statute, shall be erected in any village, or city of the third or fourth class, within three hundred feet of any public, private, or parochial school building, or building used regularly or principally for school purposes.*

SECTION 4. Section 4947 is renumbered to be section 55.03, and amended to read:

55.03 MAINTENANCE OF PRISONERS. \* \* \* All charges for maintaining, *while in county institutions*, convicts who have been sentenced to confinement in the state \* \* \*

*penal institutions, \* \* \* prisoners charged with offenses and duly committed for trial, \* \* \* prisoners committed for the nonpayment of \* \* \* fines and expenses, \* \* \* and prisoners sentenced to imprisonment therein, shall be paid out of the county treasury; \* \* \* but no claim shall be allowed to any sheriff or jailer for keeping or boarding any \* \* \* person in the county jail unless such \* \* \* person shall have been committed thereto pursuant to law.*

SECTION 5. Section 4946 is renumbered to be section 55.04, and amended to read:

55.04 USE OF JAIL IN ANOTHER COUNTY. \* \* \* *Courts, magistrates and officers of any county having no jail may sentence, commit, or deliver any person to the jail of any other county as if such jail existed in their own county; and the keeper of such jail shall receive and keep the prisoner in all respects as if committed from such other county; but the cost of such keep shall be paid by the county from which the prisoner was sentenced, committed, or delivered.*

SECTION 6. Sections 4955, 4956, and 4957 are consolidated and renumbered to be section 55.05, and amended to read:

55.05 REMOVAL OF PRISONERS IN CASE OF FIRE OR OTHER CASUALTY. (1) \* \* \* *If \* \* \* the prisoners in any prison shall be exposed to danger by \* \* \* fire or other casualty, the keeper may remove \* \* \* them to a place of safety and there confine them so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.*

(2) \* \* \* *Whenever the county jail in any county shall be destroyed by fire or other casualty or \* \* \* shall be insecure for the safe-keeping of prisoners \* \* \* the sheriff of such county \* \* \* may remove \* \* \* any prisoner to the jail of some other county, \* \* \* where he shall be received and kept the same as if committed thereto, but at the expense of said first mentioned county.*

(3) \* \* \* *An indorsement on the back of the commitment by which any prisoner is held in custody, made by the sheriff in charge of such prisoner, directed to the jailer or sheriff of such other county, shall be sufficient authority for such jailer or sheriff to hold such prisoner.*

SECTION 7. Section 4952 is renumbered to be section 55.06, and amended to read:

55.06 SEGREGATION OF PRISONERS. \* \* \* *All jails and other municipal prisons shall be provided with suitable*

*apartments or buildings for the separation of criminals from prisoners not criminal; persons of different sexes; persons alleged to be insane; and children under sixteen years of age. All prisoners shall be kept segregated accordingly.*

SECTION 8. Subsection (12) of section 669, and sections 4949, 4950, and 4954 are consolidated and renumbered to be section 55.07 and amended to read:

55.07 MAINTENANCE AND SANITATION OF PRISONERS. (1) \* \* \* The keeper of each prison shall see that the same is constantly kept in a cleanly and healthful condition, and \* \* \* that strict attention is \* \* \* paid to the personal cleanliness of all the prisoners in his custody, \* \* \* and shall cause the \* \* \* *apparel* of each prisoner to be \* \* \* *properly laundered*. *He shall furnish each prisoner \* \* \* daily with as much clean water as may be necessary \* \* \* and with a clean towel once a week. \* \* \* He shall serve each prisoner three times daily with wholesome food, \* \* \* well cooked and in sufficient quantity. \* \* \* The county board shall prescribe the diet of the \* \* \* prisoners in the county jail as to kind and fix the maximum compensation to be paid therefor.*

(2) \* \* \* *Neither the sheriff, jailer or keeper of any prison nor any other person shall, under any pretense, give, sell or deliver to any person committed to prison for any cause whatever any spirituous liquors or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed, and no more. \* \* \**

(3) \* \* \* The keeper of each prison shall furnish necessary bedding, clothing, \* \* \* fuel and medical aid, and in case of a house of correction necessary hospital care and treatment, for all prisoners who shall be in his custody, and shall be paid therefor as provided for the payment for the weekly support of such prisoners and in addition thereto.

SECTION 9. The first sentence of section 4951 is renumbered to be section 55.08 BIBLES AND RELIGIOUS INSTRUCTION.

SECTION 10. The last sentence of section 4951 is renumbered to be subsection (9) of section 46.03.

SECTION 11. Section 4953 is renumbered to be section 55.09 DISCIPLINE; SOLITARY CONFINEMENT.

SECTION 12. Section 4948 is renumbered to be section 55.10, and amended to read:

**55.10 ANNUAL INSPECTION.** \* \* \* *At least once in each year the county board \* \* \* of each county shall visit, inspect and examine \* \* \* each prison therein, as to health, cleanliness and discipline, and the keeper thereof shall lay before \* \* \* it a calendar setting forth the name, age and cause of committal of each prisoner; and if it shall appear to the said \* \* \* board that any of the provisions of law have been violated or neglected \* \* \* it shall forthwith give notice thereof to the district attorney of the county.*

**SECTION 13.** Sections 4958, 4959, and 4960 are consolidated and renumbered to be, respectively, subsections (1), (2), and (3) of a new section to be numbered 55.11 **CUSTODY OF UNITED STATES PRISONERS.**

**SECTION 14.** Section 657 is renumbered to be section 4326a,

**SECTION 15.** Sections 4960a, 4960b, and 4960c are renumbered to be, respectively, sections 1747dd—1, 1747dd—2 and 4463m.

**SECTION 16.** This act shall take effect upon passage and publication.

Approved April 11, 1919.

No. 67, S.]

[Published April 14, 1919.

## CHAPTER 79.

**AN ACT** to amend subdivision (25) of section 670 of the statutes, relating to powers of the county board.

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

**SECTION 1.** Subdivision (25) of section 670 of the statutes, is amended to read: (Section 670) (25) To appropriate such sum or sums as they shall deem just and proper to the family of any sheriff or his deputies who shall have been heretofore or who may hereafter be killed while in the discharge of *his or their* official duties. \* \* \*

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

Approved April 11, 1919.