

1969 Senate Bill 279

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CHAPTER 492, LAWS OF 1969

AN ACT to amend 48.89 (3), 53.15, 56.08 (4), 57.01 (6) and 57.04 (1); and to create 48.52 (3) and 51.10 (1a) of the statutes, relating to probation, adoption and other laws administered by the department of health and social services, and permitting the sale of state property.

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

SECTION 1. 48.52 (3) of the statutes is created to read:

48.52 (3) PLACEMENT. Nothing [in] this section shall preclude the placement of a child in any of the above facilities so long as he is under the age of 21, provided he is legally under sentence to the department under a provision of the criminal code.

SECTION 2. 48.89 (3) of the statutes is amended to read:

48.89 (3) The recommendation of the department shall not be required if the recommendation of that department, a licensed child welfare agency, a county welfare department, or a county children's board authorized by s. 48.57 to accept guardianship of a child is required by s. 48.841, or if one of the petitioners is a stepparent.

SECTION 4. 51.10 (1a) of the statutes is created to read:

51.10 (1a) A resident minor who has been referred to the children's consultation service at a state hospital under s. 46.041, may be admitted to any suitable state or county institution, in the discretion of the superintendent, for study and diagnosis on a voluntary application signed by his parent, custodian or guardian.

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SECTION 5. 53.15 of the statutes is amended to read:

53.15 The wardens and superintendents of the state prisons may take inmates away from the institution grounds for rehabilitative *and educational* activities approved by the department and ~~directly supervised by institution personnel~~ *under such supervision as the superintendent or warden deems necessary. While away from the institution grounds an inmate is deemed to be under the care and control of the state prison and subject to its rules and discipline.*

SECTION 5m. 56.08 (4) of the statutes is amended to read:

56.08 (4) Every prisoner gainfully employed is liable for the *full per capita maintenance and* 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.

SECTION 6. 57.01 (6) of the statutes is amended to read:

57.01 (6) The court may also require as a condition of probation that the probationer be confined in the county jail between the hours or periods of his employment during such portion of his term of probation as the court specifies, but not to exceed one year and the court shall require him to pay the cost of his board ~~as provided in~~ *under s. 56.08 (4). While confined pursuant to this subsection he shall be subject to all the rules of the jail and the discipline of the sheriff.*

SECTION 7. 57.04 (1) of the statutes is amended to read:

57.04 (1) (a) When a person is convicted of a misdemeanor or of a violation of s. 52.05 or 52.055 the court having jurisdiction (~~whether a court of record or otherwise~~) may, by order, withhold sentence or impose sentence and stay its execution and in either case place him on probation for a period not less than one year nor more than 2 years ~~(except that, but in counties having a population of over 500,000 or more the court may order a shorter minimum period of probation may be ordered)~~ and. The court may, as a condition of such order or continuing it, require ~~him~~ *such person* to pay the costs of prosecution, to pay a fine and costs, to make restitution or any combination, ~~as the court determines, and the court may authorize the probation officer to accept payments in instalments.~~

(b) The court may also require that the probationer be confined in the county jail between the hours or periods of his employment during such portion of his term of probation as the court specifies, not to exceed the maximum time for which he might have been sentenced. *The court shall require him to pay the full per capita maintenance and cost of his board under s. 56.08 (4). While confined pursuant to sentence he shall be subject to all the rules of the jail and the discipline of the sheriff.*

(c) The court may also require the payment of support by persons convicted under s. 52.05 or 52.055, and may require a recognizance, ~~as provided in~~ *under s. 52.05 (4).*

(d) The period of probation may be made consecutive to a sentence of imprisonment on a different charge, whether imposed at the same time or previously. Consecutive periods of probation may be imposed.

(e) In case the conditions of probation are violated, the current probation and all subsequent consecutive probations shall be revoked.

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SECTION 8. SALE OF REAL ESTATE. The department of health and social services may, with the approval of the governor, sell or exchange upon such terms, conditions and covenants as are approved by the building commission, that parcel of real estate situated at Waupun, Dodge county, known as the "Deputy Warden's Residence" and may purchase such adjacent land as may be necessary to establish straight boundary lines for the bordering central state hospital lands.

Approved March 6, 1970.
