

CHAPTER 54.

STATE REFORMATORY AND INDUSTRIAL HOME FOR WOMEN.

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54.01 State reformatory and industrial home for women. (1) The objects of the Wisconsin state reformatory and the Wisconsin industrial home for women are to correct and remove those criminal or evil tendencies and influences which render the persons confined therein a menace to society, and help them to become good citizens.

(2) The state department of public welfare shall equip and maintain one ward or department of the said industrial home with suitable hospital facilities for the treatment of women afflicted with venereal disease; and shall also equip and maintain a psychological laboratory for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject. Such females shall be committed for treatment and such industrial training as shall enable them to support themselves properly, and shall be subject to such examinations, treatments, operations and tests, under the regulations of the department as may be deemed necessary by the state board of health to improve their physical and mental condition.

(3) All process served within the precincts of the reformatory or industrial home, either upon those committed thereto, or upon officers or employes other than the superintendent, shall be served and returned by the superintendent; and all officers and employes of either institution shall be exempt from military duty, serving on juries in any court, and highway poll tax.

(4) For the purpose of all judicial proceedings, the reformatory and precincts thereof shall be deemed to be within and a part of the county of Brown, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same, provided that any farming, forestry, quarrying or other activity conducted under the jurisdiction of and by said reformatory, no matter where located, shall be deemed and is hereby made a precinct of said reformatory.

(5) For the purpose of all judicial proceedings, the Wisconsin industrial home for women and precincts thereof shall be deemed to be within and a part of the county of Fond du Lac, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same. [1937 c. 119; 1943 c. 93]

54.02 Sentence and commitment. (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.

(2) Persons previously convicted and committed by the juvenile court shall be classified as above, as though no such previous conviction had occurred. [1931 c. 202; 1943 c. 313]

Note: See note to 48.01, citing 26 Atty. Gen. 546.

54.03 Indeterminate sentence, discharge. (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 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 state department of public welfare 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 state department of public welfare, 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 commit any female person belonging to class two or three to the industrial home, for a general or indeterminate term, which term shall not exceed 5 years in any case, subject to the power of release from actual confinement, by parole or absolute discharge by the state department of public welfare 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 (3). [1931 c. 181; 1943 c. 93]

Cross Reference: See 359.05 for sentence to state prison.

Note: A sentence for manslaughter of from six to seven years was a sufficient compliance with this statute which prescribes the form of indeterminate sentence. *Oehler v. State*, 202 W 530, 232 NW 866.

One convicted of second degree murder may be given indeterminate sentence to state

prison under 359.05, but no such person may be given indeterminate sentence to state reformatory or industrial home for women. 19 Atty. Gen. 32.

Sentence to reformatory to begin on date in past is erroneous and can be corrected only by motion or appeal to higher court. 24 Atty. Gen. 371.

54.04 Trial and commitment records; execution. (1) When any offender is sentenced to the reformatory or to the industrial home, the commitment papers shall consist of the warrant of commitment, and certified copies of the information, indictment or complaint, the plea of the accused, the testimony taken at the trial, the verdict, if there be one, and the judgment and sentence; which copies shall be delivered with the order or warrant of commitment to the officer executing it, and to the superintendent of the institution when the convict is delivered.

(2) In case no testimony is taken at the trial, a statement of the district attorney who prosecuted such case, giving the facts in connection with the case, and the statement of the defendant in court, shall be delivered in lieu thereof.

(3) The clerk of the court furnishing such copies or record shall be entitled to such compensation as may be fixed by the presiding judge, and shall be paid by the county in which trial is had as part of the court expenses.

(4) Whenever any person is sentenced to the reformatory, the order or warrant of commitment shall authorize the officer to whom it is issued to take charge of such convict and convey him to the reformatory and deliver him to the superintendent of that institution, who shall receive and confine him therein until he shall be discharged by due process of law.

(5) Whenever any woman is sentenced to the industrial home the superintendent of said industrial home shall, upon being notified of such sentence, designate and send some suitable woman who is employed in said industrial home to take charge of the convict and convey her to said home; and said employe shall have all the powers of a police officer from the time of her appointment until such convict is delivered to the superintendent of said home. The expenses of making such transfer shall be paid by the county in which such person was convicted.

(6) Whenever any person is sentenced to either of said institutions the court or magistrate pronouncing sentence shall immediately notify the superintendent of said institution thereof. If said institution be filled to the limit of its capacity, the convict shall be retained in the county jail until he or she can be received into said institution; but, if convicted of a felony, the court may, in its discretion, commit such convict temporarily to the state prison to be thence transferred as soon as may be. Notice of such temporary commitment shall be given to the superintendent and the commitment papers shall be de-

livered with the convict to the warden of the prison, who shall deliver them to said superintendent when the convict is transferred.

54.05 Custody and discipline; allowances for good conduct. (1) The provisions of section 53.07 and subsection (1) of section 53.15 shall apply to the reformatory, and the powers therein conferred upon the warden and deputy warden are hereby conferred upon the superintendent and assistant superintendent, respectively, of the reformatory.

(2) The time during which any inmate of the reformatory or of the industrial home, who has escaped therefrom, is at large, shall not be computed as any portion of the time for which he or she was sentenced.

(3) Any inmate of the reformatory or of the industrial home under sentence may be prosecuted, before discharge therefrom, for any criminal offense, and if convicted may be sentenced to undergo the punishment prescribed by law for such offense, to commence at the expiration of the current term of imprisonment. If convicted of more than one offense sentences on such convictions shall be cumulative as provided in section 359.07.

(4) The allowances for good conduct prescribed in section 53.11 shall likewise be made to the inmates of the reformatory and of the industrial home who have not been paroled or discharged, and any good time earned in either institution by inmates transferred to or from the state prison shall be allowed in the institution to which they have been transferred. Subsections (2), (3) and (4) of section 53.12 shall apply to inmates of the reformatory.

54.06 Institutional record. When any convict shall be received into said reformatory or industrial home the state department of public welfare shall cause to be entered in a register, the date of such admission, the name, age, nativity, and nationality, with such other facts as may be obtained as to the parentage, education and previous environments of said inmate. A semiannual entry shall be made on such register of the progress made by each inmate, and in case such inmate is paroled, an entry shall be made on such register of that fact, and also a statement as to her condition at the time of parole. Such register shall show at all times the progress made by the inmates who have been placed upon parole. [1943 c. 93.]

54.07 Transfers of convicts. (1) With the approval of the governor any inmate of the reformatory or of the industrial home, belonging to class one, whose continued presence there is considered detrimental to the other inmates may be transferred by the state department of public welfare to the state prison, and his original term of imprisonment shall be continued therein.

(2) Convicts in the state prison and in the Milwaukee county house of correction belonging to class one, and in any county jail belonging to class two, may with like executive approval be transferred from any of these institutions to the reformatory or to the industrial home and may be returned to the institution from which they were respectively taken.

(3) Inmates of the industrial school for boys who have reached the age of 17 years and inmates of the industrial school for girls who have reached the age of 18 years, and inmates of other institutions, public or private, who have reached like ages, respectively, and who were committed to said institutions by a court and were then eligible for commitment to said industrial schools, may also be transferred to the reformatory or to the industrial home, respectively, by the state department of public welfare; but such children may be retained at the reformatory or industrial home only until they are 21 years of age. The term inmates as used in this subsection shall include children on parole from the industrial school for boys or the industrial school for girls. The state department of public welfare may return such children at any time to the school or to the county from which they were sent to the school. Any child so transferred to a reformatory or industrial home, or the parent, guardian or next friend of any such child may have the action of the state department of public welfare in ordering such transfer reviewed by the court which made the original commitment of such child, on filing a petition in said court and after notice to the state department of public welfare in such manner as the court may direct.

(4) With each person transferred to the reformatory or to the industrial home from any other institution the warden or superintendent of such other institution shall transmit to the superintendent of the reformatory, or of the industrial home copies of the original commitment of such person, and of his record of service, conduct and history; and with each person transferred from the reformatory or industrial home the superintendent shall furnish to the institution to which such convict is transferred a like record of service, conduct, and personal history of the convict while in the reformatory or industrial home.

(5) Whenever any convicted person is sentenced to the Wisconsin state reformatory or to the Wisconsin industrial home for women, and who belongs to class one or class two, as defined in section 54.02, and who has received a sentence, the maximum of which was fixed by the court at a period in excess of 5 years, such person may be transferred to the state prison under the provisions of this section. [1931 c. 207; 1943 c. 931]