

No. 285, S.]

[Published June 22, 1945.]

**CHAPTER 342.**

AN ACT to amend 51.07 (2) of the statutes, relating to fee of examining physician for examination of an alleged insane person.

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

51.07 (2) of the statutes is amended to read:

51.07 (2) Each of the examining physicians shall receive a fee of *not less than \$4 nor more than \$10 as previously determined by the county board* for his examination and certificate, and 10 cents per mile for necessary travel in complying with the requirements of his appointment; and in any contested matter arising under this chapter or in any case where the judge, in his discretion, shall postpone the examination of such person, a fee of *not less than \$4 nor more than \$10 as previously determined by the county board* for each day he may be required by the county judge to attend before him on such examination.

Approved June 20, 1945.

No. 299, S.]

[Published June 22, 1945.]

**CHAPTER 343.**

AN ACT to repeal 53.25, 53.26, 53.27 and 54.01 (2) and (5); to amend 46.03 (1), 48.15, 48.16 (2) (b), 53.01 (1), 54.01 (1) and (3), 54.02 (1), 54.03 (1) and (3), 54.04 (1), (5) and (6), 54.05 (2), (3) and (4), 54.06, 54.07, 56.07, 57.07 (1), 340.58, 340.59, 346.40 (2); and to create 54.015 and 54.02 (3) of the statutes, relating to consolidating the industrial home and prison for women.

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

SECTION 1. 54.015 of the statutes is created to read:

54.015 HOME FOR WOMEN. (1) The Wisconsin industrial home for women and the Wisconsin prison for women are hereby consolidated into one institution to be known as the Wisconsin home for women which shall be the general prison for the punishment and reformation of all female offenders committed and sen-

tenced according to law by any court of the state of Wisconsin or any court of the United States held in the districts of Wisconsin to imprisonment therein.

(2) For the purpose of all judicial proceedings, the Wisconsin home for women and precincts thereof shall be deemed to be within any 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.

(3) All persons now serving sentence under commitment to the Wisconsin industrial home for women or to the Wisconsin prison for women are hereby transferred to the confines of the Wisconsin home for women and shall be subject to all statutes, rules and regulations of said home for women.

(4) All provisions of chapter 53 in so far as applicable shall apply to the Wisconsin home for women and all powers therein conferred upon the warden of the state prison are conferred upon the superintendent of the Wisconsin home for women.

SECTION 2. 46.03 (1) of the statutes is amended to read:

46.03 (1) Maintain and govern the Mendota state hospital, the Wisconsin psychiatric institute for the treatment of insane persons, the Winnebago state hospital, the central state hospital, the state prison, and the state prison farms, the Wisconsin state reformatory, the Wisconsin \* \* \* home for women, the Wisconsin industrial school for boys, the Wisconsin industrial school for girls, the Wisconsin institute for blind artisans, the state public school, the Wisconsin home for the feeble-minded, the southern Wisconsin home for the feeble-minded, and all other charitable, curative, reformatory, and penal institutions that may be established or maintained by the state except the Wisconsin state sanatorium, the northern state sanatorium and the state tuberculosis camp.

SECTION 3. 48.15 of the statutes is amended to read:

48.15. COMMITMENT TO \* \* \* SCHOOLS. Any child, under the age of 18, convicted of a criminal offense may, in the discretion of the judge or magistrate before whom the case is tried, be committed to one of the industrial schools of this state instead of to the state prison, state reformatory, \* \* \* home for women, house of correction, county jail or police station, as the case may be. All commitments of such children and of delinquent children to \* \* \* *such* school shall be to the age of 21 years or until paroled in accordance with section 48.16 (2) (b).

SECTION 4. 48.16 (2) (b) of the statutes is amended to read:

48.16 (2) (b) The state department of public welfare may parole any child committed to the industrial school for boys or the industrial school for girls, whenever it is satisfied that such action is for the best interests of such child. Every such paroled child shall remain in the legal custody of the said department until 21 years of age and may be returned to the institution from which paroled, in the manner provided in section 57.06 (3), or if then 17 years of age or more in the case of boys or 18 years of age or more in the case of girls may be transferred to the state reformatory or \* \* \* home for women, as provided in section 54.07 (3).

SECTION 5. 53.01 (1) of the statutes is amended to read:

53.01 (1) The state prison shall be the general penitentiary and prison for the punishment and reformation of all *male* offenders committed and sentenced according to law by any court of the state of Wisconsin or any court of the United States held in the districts of Wisconsin to imprisonment therein.

SECTION 6. 53.25, 53.26 and 53.27 of the statutes are repealed.

SECTION 7. 54.01 (1) and (3) of the statutes are amended to read:

54.01 STATE REFORMATORY \* \* \*. (1) The objects of the Wisconsin state reformatory \* \* \* 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.

(3) All process served within the precincts of the reformatory \* \* \* 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 \* \* \* and serving on juries in any court \* \* \*.

SECTION 8. 54.01 (2) and (5) of the statutes are repealed.

SECTION 9. 54.02 (1) of the statutes is amended to read:

54.02 (1) Male persons not less than 16 nor more than 25 \* \* \* years of age, \* \* \* may, in the discretion of the court, be sentenced and committed \* \* \* to the said reformatory \* \* \*

*if 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.

\* \* \*

\* \* \*

SECTION 10. 54.02 (3) of the statutes is created to read:

54.02 (3) Female persons over 18 years of age shall be committed to the Wisconsin home for women.

SECTION 11. 54.03 (1) and (3) of the statutes are amended to read:

54.03 (1) Except as provided in subsections (2) and (3) \* \* \*, the sentence of any person \* \* \* *except those convicted of murder in the first or second degree* 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 \* \* \* 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.

(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 \* \* \* *except those convicted of murder in the first or second degree* to the \* \* \* home \* \* \* for women 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.

SECTION 12. 54.04 (1), (5) and (6) of the statutes are amended to read:

54.04 (1) When any offender is sentenced to the reformatory or to the \* \* \* home \* \* \* *for women*, 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.

(5) Whenever any woman is sentenced to the \* \* \* home *for women* the superintendent of said \* \* \* home shall, upon being notified of such sentence, designate and send some suitable woman who is employed in said \* \* \* 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 \* \* \* *the reformatory* 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 delivered with the convict to the warden of the prison, who shall deliver them to said superintendent when the convict is transferred.

SECTION 13. 54.05 (2), (3) and (4) of the statutes are amended to read:

54.05 (2) The time during which any inmate of the reformatory or of the \* \* \* home \* \* \* *for women*, who has es-

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 \* \* \* home for women 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 \* \* \* home for women 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. Section 53.12 (2), (3) and (4) shall apply to inmates of the reformatory.

SECTION 14. 54.06 of the statutes is amended to read:

54.06 When any convict shall be received into said reformatory or \* \* \* home for women 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 semi-annual 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.

SECTION 15. 54.07 of the statutes is amended to read:

54.07 (1) With the approval of the governor any inmate of the reformatory \* \* \* 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 \* \* \* except those convicted of murder in the first or second degree, may with like executive approval be transferred from any of these institutions to the reformatory or to the \* \* \* home for women 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 \* \* \* home for women, respectively, by the state department of public welfare; but such children may be retained at the reformatory or \* \* \* home for women 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 \* \* \* home \* \* \* for women, 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 \* \* \* home for women from any other institution the warden or superintendent of such other institution shall transmit to the superintendent of the reformatory, or of the \* \* \* home for women 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 \* \* \* home for women 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 \* \* \* home for women.

(5) Whenever any convicted person is sentenced to the Wisconsin state reformatory \* \* \* 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.

SECTION 16. 56.07 of the statutes is amended to read:

56.07. VOCATIONAL INSTRUCTION AT THE REFORMATORY AND \* \* \* HOME FOR WOMEN. The state department of public

welfare may maintain in the state reformatory a manual training school, and cause the inmates to be instructed in trades; and may establish and maintain in connection with the \* \* \* home for women such systems of training, and instruction in trades and domestic science, and create such industries as may seem to said department for the best interests of the inmates of said \* \* \* home.

SECTION 17. 57.07 (1) of the statutes is amended to read:

57.07 PAROLES FROM REFORMATORY AND \* \* \* 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 \* \* \* 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.

SECTION 18. 340.58 of the statutes is amended to read:

340.58 Any officer or other person in charge of or employed in any hospital or asylum for the insane, county home, workhouse, state prison, state reformatory, *home for women*, jail, police station or other place of confinement, school for the deaf and dumb or blind, the state public school, colony for the feeble-minded, house of correction, industrial school for boys or girls or orphan asylum who shall abuse, neglect or ill-treat any person confined therein or an inmate thereof, or who shall permit any other person so to do shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$200.

SECTION 19. 340.59 of the statutes is amended to read:

340.59 It shall be unlawful for any person to encourage, aid, or abet any girl or woman committed to the \* \* \* home for women, or to the industrial school for girls, during the term of her commitment, to violate the rules and regulations of such institution; and any person who is convicted of encouraging, aiding, or abetting any woman or girl to so violate said rules, shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding \$500 or be imprisoned in the county jail or house of correction for a period of an indeterminate sentence not exceeding 2 years.

SECTION 20. 346.40 (2) of the statutes is amended to read:

346.40 (2) Any woman sentenced to the Wisconsin \* \* \* home for women who shall escape therefrom, or who shall at-



tempt by violence to escape, or shall assault the superintendent or any other officer or employe of said institution; may be punished by imprisonment in said \* \* \* home for a term of not to exceed 2 years in addition to her former sentence.

Approved June 20, 1945.

No. 307, S.]

[Published June 22, 1945.

#### CHAPTER 344.

AN ACT to repeal 59.80 (2) of the statutes, relating to payment of salaries of county judges.

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

59.80 (2) of the statutes is repealed.

Approved June 20, 1945.

No. 317, S.]

[Published June 22, 1945.

#### CHAPTER 345.

AN ACT to amend 324.13 (2) of the statutes, relating to attorney's fee in a contest upon the probate of a will.

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

324.13 (2) of the statutes is amended to read:

324.13 (2) A guardian ad litem for a necessary party to a proceeding to probate a will, or in a proceeding to construe a will, or in a proceeding in the settlement of an estate, may be allowed compensation and his necessary expenditures, to be fixed by the court, and paid out of the estate or property in controversy

\* \* \*

Approved June 20, 1945.