

SECTION 47. Chapters 88 laws of 1857, 73 and 192 laws of 1859; 17 and 260 laws of 1861; 219 supplemental to private and local laws of 1862; 142 laws of 1863; 104 laws of 1866; 89 laws of 1867; 30 laws of 1869; 30 laws of 1872; 10 laws of 1873; 207 laws of 1874; 66 and 93 laws of 1875; 64, 68 and 323 laws of 1876; 61 laws of 1877; 47 laws of 1878; 134 laws of 1879; 108 laws of 1880; 284 laws of 1881; 136 laws of 1882; 457 laws of 1885; 156 laws of 1895; 187, 201 and 294 laws of 1899; 90, 109, 223, 385, and 427 laws of 1901; 97, 185 and 359 laws of 1903; 50 and 496 laws of 1905; 73, 82 and 515 laws of 1907; 321 laws of 1911; and 486 laws of 1917 are repealed.

SECTION 48. This act shall take effect upon passage and publication.

Approved July 19, 1919.

No. 59, S.]

[Published July 25, 1919.

CHAPTER 615.

AN ACT to renumber chapter 199 to be chapter 57, and to rearrange, consolidate, renumber, amend, revise, and incorporate in said chapter sections 4734a to 4734n, 4855 to 4864, 4960c—1 to 4960c—7, and other sections of the statutes herein enumerated, all relating to the probation, parole, and pardon of convicts.

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

SECTION 1. Chapter 199 of the statutes is renumbered to be chapter 57, and its title amended to read:

CHAPTER * * * 57.

PROBATION, PAROLES, AND PARDONS OF CONVICTS.

Probation for felonies.

SECTION 2. Section 4734a is renumbered to be section 57.01 and amended to read:

57.01 SUSPENSION OF SENTENCE. * * * Whenever any adult is convicted of a felony punishable by imprisonment for a term not exceeding ten years, convictions under section 4587c * * * excepted, and it appears to the satisfaction of the court that * * * *such* person * * * has never before been convicted of a felony, * * * in this state or elsewhere, that the character of the defendant and the circumstances of the case indicate that he is not likely again to commit crime, and that the public good does not require that * * * *he* shall suffer the penalty provided by law, said court may, ex-

cept * * * as otherwise provided for by law, by order suspend the judgment or stay the execution thereof and place the defendant on probation, stating therein the reasons for the order, which shall be made a part of the record, *and may impose as a condition of making the order or of continuing the same in effect that the defendant shall make restitution or pay the costs of prosecution, or do both.*

SECTION 3. Sections 4734c, 4734d, 4734e, and 4734m are consolidated and renumbered to be section 57.02, and amended to read:

57.02 CONTROL OF PROBATIONERS. (1) * * * The state board of control * * * shall furnish the clerk of every court of record in this state exercising criminal jurisdiction with blank forms, setting forth all requirements and conditions used by them in the parole of persons from the state institutions, but amended so as to be applicable to * * * *the probation of convicts.*

(2) * * * *Except as provided otherwise in subsection (3), every defendant placed on probation * * * pursuant to section 57.01 shall be subject to the control and management of the * * * said board * * * under the regulations * * * applying to persons paroled from * * * state institutions after a period of imprisonment therein; * * * and * * * immediately upon the entry of the order of probation the clerk of the court shall certify a copy of the record, in the case and deliver the same, to the said board, whereupon the custody of the convict shall vest in the said board.*

(3) * * * In all counties having a population of two hundred and fifty thousand or more, the municipal court * * * shall have charge of all persons placed on probation * * * pursuant to section 57.01, instead of the state board of control; and said court shall appoint one *chief* probation officer, who shall be a resident of said county, * * * at a salary of not less than fifteen hundred dollars per annum and such necessary expenses as may from time to time be allowed by the county board, to be paid * * * as other county officers are paid. Said probation officer *shall be an officer of said court and subject to its control*, shall have power of arrest, * * * and shall * * * *execute all orders of the court * * * affecting such probationers.* The county board * * * *shall provide quarters and stationery for the use of said chief probation officer and may, from time to time, * * * provide for and fix the salaries of additional probation officers, who shall be subordinate to said chief probation officer. * * * Said chief*

probation officer shall report to the court as provided in subsection (4) of section 57.04 and the clerk of the court shall transmit a copy of such reports to the state board of control.

SECTION 4. Sections 4734i and 4734l are repealed.

SECTION 5. Sections 4734g and 4734h are consolidated and renumbered to be section 57.03, and amended to read:

57.03 RECOMMITMENT ON VIOLATION OF PROBATION; DISCHARGE. (1) * * * Whenever it appears to the * * * board of control * * * that * * * any such probationer in its charge has violated the regulations or conditions of his probation, the said board may, upon full investigation and personal hearing, order him to be brought before the court for sentence upon his former conviction, which shall then be imposed * * * without further stay, or if already sentenced to any penal institution, * * * may order him to be imprisoned in said institution, * * * and the term of * * * said sentence shall be deemed to have begun at the date of his first detention at such institution. A copy of the order of the board shall be sufficient authority for the officer executing it to take and convey such probationer to the court or to the prison; but any such officer may, without order or warrant, whenever it appears to him necessary in order to prevent escape or enforce discipline, take and detain the probationer and bring him before the board for its action.

(2) * * * Whenever, * * * in the judgment of the board * * * the probationer has satisfactorily met the conditions of his probation, * * * he shall be discharged from further supervision, and said board shall issue to him a certificate of final discharge; * * * but the period of probation shall not be less than the minimum nor more than the maximum term for which he might have been imprisoned.

Probation in other cases.

SECTION 6. Sections 4734j, 4734k, and 4734n are consolidated and renumbered to be section 57.04, and amended to read:

57.04 PROBATION FOR MISDEMEANORS AND DESERTION. (1) * * * When any adult * * * is convicted in any court of record * * * of a misdemeanor or of any violation of section 4587c * * * the court, in its discretion, may by order suspend the judgment or stay the execution thereof and place the defendant on probation * * * for such period of time, not exceeding the maximum penalty * * * prescribed, and upon such terms and conditions, including the payment of any fine imposed, as it shall determine, so that * * *

the defendant * * * may be given the opportunity to pay the fine, if one is imposed, within a reasonable time. Upon payment of the fine the judgment shall be satisfied and the probation cease.

(2) * * * In * * * such case the court shall by said order place the probationer in charge of the state board of control or * * * designate some suitable person to act as probation officer * * * who shall be entitled to necessary expenses in the performance of his duties, to be paid out of the county treasury the same as other court expenses, and, for causes hereinafter named, may, without warrant or other process, or upon the order of the court, at any time until the final disposition of the case, * * * take the probationer and bring him before the court; * * * and * * * thereupon, * * * if the court shall have reason to believe from the report of * * * the probation officer, or otherwise, that the probationer has violated or is violating the conditions of his probation, or is engaging in criminal practices, or has formed improper associates, or is leading a vicious life, it may revoke such probation and * * * pronounce sentence on the former conviction, or if * * * sentence has been pronounced, issue commitment on the sentence or judgment * * * without deduction of the period of probation * * *.

(3) * * * The court * * * may at any time after * * * such revocation of probation * * * again stay further execution * * * on * * * any terms and conditions * * * which it could * * * have * * * imposed originally; and * * * may, * * * whenever the ends of justice * * * shall be subserved thereby, and * * * the good conduct and reform of the * * * probationer shall warrant it, terminate the period of probation and discharge * * * him from custody; * * * but in all cases, if the court has not * * * revoked the * * * probation; or * * * discharged the probationer, he shall at the end of the term of probation * * * be discharged from custody, and said judgment or sentence be deemed fully satisfied.

(4) * * * Each probation officer appointed under * * * this section shall report to the court appointing him * * * at least once each month, and at such other times as may be designated by the court, concerning the conduct of the probationer in his charge. The necessary blanks for such reports shall be supplied by the state board of control.

(5) Whenever any person is placed on probation under this section, the clerk of * * * the court * * * shall imme-

diately * * * mail to * * * *the state board of control* * * * certified copies of the information or indictment, the plea, the sentence or judgment, the order for probation, and, from time to time thereafter, each report of * * * *the probation officer*; and * * * shall receive for such services the compensation provided by law for certifying copies of papers in his custody, which shall be paid out of the treasury of the county in which * * * *the probationer was convicted.*

SECTION 7. Section 4734b is renumbered to be section 57.05, and amended to read:

57.05 PROBATION OF MINORS. * * * (1) If any minor *other than delinquent children as defined in section 48.01* be found guilty of any misdemeanor, or be convicted the *first time* of a felony * * * for which * * * the * * * *prescribed penalty* * * * *does not exceed ten years*, the court in its discretion may suspend sentence and place such minor under the guidance and control of *the state board of control as in the case of an adult, or of some* * * * adult person who shall have consented in writing to become responsible for the good behavior of such minor * * * for such period of probation not exceeding six months as the court * * * *shall fix*; and *the court may require as a condition of the making or continuing in effect of the order, the payment of costs or the making of restitution, or both, in the court's discretion.*

(2) Such minor * * * *may be returned to such court on the original charge for sentence, at any time within such period of probation*; and * * * upon the expiration of such * * * period, * * * *he may be* * * * sentenced, discharged, or continued under probation for an additional period to be then fixed by the court, * * * subject to like return, discharge, sentence, or further probation thereafter.

Parole of prisoners.

SECTION 8. Sections 4960c—1 to 4960c—7 are consolidated and renumbered to be section 57.06, and amended to read:

57.06 PAROLES FROM THE STATE PRISON AND THE MILWAUKEE HOUSE OF CORRECTION. (1) * * * The board of control, *with the approval of the governor*, * * * *may, upon ten days' written notice to the district attorney and judge who participated in the trial of the prisoner*, parole * * * any prisoner * * * *convicted of a felony and imprisoned in the state prison or in the house of correction of Milwaukee county* * * * *who, if sentenced for less than life, shall have served at least one-half of* * * * *the term*

for which he was sentenced, not * * * *deducting* any allowance of time for good behavior, * * * *or who*, * * * *if sentenced for life, shall have served thirty years less the diminution which would have been allowed for good conduct, pursuant to law, had his sentence been for thirty years.* * * *

(2) * * * No such prisoner shall be paroled until it shall appear, to the satisfaction of said board, that some suitable employment * * * has been secured for * * * him; and the paroled prisoner, shall at least once each month render a written report to said board giving such information as may be required by the board, which shall be approved by the person in whose employment the prisoner may be at the time.

(3) * * * Every such paroled prisoner remains in the legal custody * * * of the state board of control and * * * may at any time, on the order of the board, * * * be reimprisoned in said prison or said house of correction; * * * and * * * shall be * * * reimprisoned whenever * * * found exhibited in any show or exhibition. * * * A certified copy of said order shall be sufficient * * * authority for any officer executing it to take and * * * convey the prisoner to the institution from which he * * * was paroled, and all officers shall execute such order in the same manner as a warrant for arrest, but any such officer may, without order or warrant, whenever it appears to him necessary in order to prevent escape or enforce discipline, take and detain the prisoner and bring him before the board for its action.

SECTION 9. Sections 4944j, 4964, 4969, 4970—4, and subsections 4, 5 and 6 of section 4944—o, are consolidated and renumbered to be section 57.07, and revised to read:

57.07 PAROLES FROM OTHER PENAL INSTITUTIONS.

(1) The state board of control may parole any inmate in the state reformatory, industrial home for women, industrial school for boys, or industrial school for girls, 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.

(2) Every such paroled inmate remains in the legal custody of said board, and may be returned to the institution from which he was paroled, in the manner prescribed in subsection (3) of section 57.06.

Pardons.

SECTION 10. Sections 4855, 4864, and 4861 are consolidated and renumbered to be section 57.08, and amended to read:

57.08' APPLICATIONS FOR PARDON; REGULATIONS.

* * * All applications for pardon * * * of any convict serving sentence of one year or more, except for pardons to be granted within ten days next before the time when the convict would be otherwise entitled to discharge pursuant to law, shall be made and conducted in the manner hereinafter prescribed, and according to * * * such additional * * * regulations * * * as may from time to time * * * be prescribed by the governor. * * *

SECTION 11. Section 4856 is renumbered to be section 57.09, and amended to read:

57.09 NOTICE OF APPLICATION. * * * Notice of * * * such application, stating the name of the convict, the crime of which he was convicted, the date and term of his sentence, the place of his imprisonment, and the date when the application will be filed with the governor, * * * shall be * * * served upon the judge * * * and * * * the district attorney, if they can be found, * * * who participated in the trial of the convict, at least three weeks before * * * the filing of the application * * * and shall be published at least once each week for two successive weeks before such filing in some newspaper of general circulation in the county where the offense * * * was committed, or, if there be no such newspaper * * * such notice shall be posted in a conspicuous place on the door of the courthouse of such county for three weeks * * * before such filing and * * * published once each week for two consecutive weeks before such filing in some newspaper published in * * * an adjoining county. * * *

SECTION 12. Section 4858 is renumbered to be section 4713m and inserted in chapter 191 of the statutes, and is amended to read:

RECORD OF TESTIMONY. Section * * * 4713m. * * * The judge presiding at the trial of any person * * * accused of an offense * * * for which he may be sentenced to imprisonment for not less than one year shall * * * file or cause to be * * * filed with the clerk * * * a transcript of all testimony given * * * in such trial. * * *

SECTION 13. Section 4857 is renumbered to be section 57.10, and amended to read:

57.10 APPLICATION PAPERS. * * * Each such application * * * shall * * * be accompanied by the following papers:

(1) *The notice of application, with acknowledgments or affidavits showing due service and affidavits showing due publication thereof, and of its posting whenever required by law.*

(2) * * * *A certified copy of the whole record, including docket entries, * * * the indictment or information, pleas, transcript of the testimony, and all other papers on file in the court relating to the case.*

(3) * * * *A full verified statement by the applicant of * * * all the facts and reasons upon which the application is based.*

(4) * * * *Written communications from the judge and the district attorney who participated in the trial of the convict, if such can be obtained, indicating * * * their views * * * regarding the application and stating briefly any circumstances within their knowledge in aggravation or extenuation of the guilt of the convict. * * **

(5) * * * *If the convict was sentenced for the crime of murder, * * * a recommendation of * * * the judge in office when the application is made in the circuit where the trial was had.*

(6) * * * *A certificate of the warden or keeper of the prison where such * * * convict shall have been confined * * * showing whether or not the * * * convict has, during his confinement, conducted himself in a peaceful and obedient manner. * * **

SECTION 14. Sections 4859, 4862, and 4863 are consolidated and renumbered to be section 57.11, and amended to read:

57.11 **CONDITIONAL PARDON.** (1) * * * *Whenever, in any case, the governor * * * has granted a pardon upon conditions, or with restrictions or limitations, he may issue his warrant or warrants * * * for carrying into effect such conditional pardons, which warrants shall be obeyed and executed * * * in lieu of the sentence. * * **

(2) * * * *Whenever it shall appear to the governor that * * * the convict to whom such pardon has been granted has violated or failed to comply with any such conditions, restrictions, or limitations, during the term of his sentence, he may issue his warrant, directed to the sheriff of any county, commanding * * * said sheriff to arrest such convict and bring him before the governor; and * * * the sheriff shall execute such warrant without delay.*

(3) * * * *If, upon inquiry * * * it shall further * * * appear, to the satisfaction of the governor, that such convict has so violated or failed to comply with any of such con-*

ditions, *restrictions or limitations*, * * * *he may issue his warrant remanding such convict to the * * * institution from which he was discharged, * * * who shall thereupon be confined therein * * * until the expiration of his sentence; * * * otherwise he shall be discharged, subject to such conditional pardon.*

SECTION 15. Section 4860 is renumbered to be section 57.12, and amended to read:

57.12 EXECUTION, RETURN, AND RECORD OF WARRANTS. * * * Whenever any convict is pardoned * * * or his punishment commuted, or whenever he shall be remanded to imprisonment for the violation of any of the conditions, *restrictions, or limitations* of his pardon, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return * * * thereon, to the governor as soon as may be; and * * * shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, * * * *who shall enter and file the same with the records of the case.*

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

Approved July 19, 1919.

No. 147, S.]

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CHAPTER 616.

AN ACT to create a new chapter of the statutes to be numbered chapter 58, relating to private asylums, hospitals and societies; and to transfer into said chapter, consolidate, renumber, amend and revise certain sections of the statutes herein enumerated, all relating to private charitable, curative and reformatory institutions and agencies.

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

SECTION 1. A new chapter is added to the statutes to be numbered and entitled as follows:

CHAPTER 58.

PRIVATE ASYLUMS, HOSPITALS AND SOCIETIES.

SECTION 2. Sections 1785 and 1786 are consolidated and renumbered to be section 58.01 and amended to read:

58.01 PRIVATE INSTITUTIONS FOR ORPHANS, INDIGENTS AND DELINQUENT CHILDREN. (1) * * * Any corporation * * * *organized* for the establishment and