

Assembly Bill 547

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## CHAPTER 520

AN ACT to repeal 57.06 (1) (b), 959.045, 959.051, 959.052 (5) and 959.09; to renumber and amend 46.03 (1), 959.05; to amend 46.046, 46.047, 53.01, 53.06, 57.06 (1) (a) and (3), 57.07 (1), 57.115, 959.044, 959.052 (1) and 959.07; and to create 46.043, 53.02 (4m) and 959.05 (2) to (4) of the statutes, relating to creating a Wisconsin correctional reception and treatment center.

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

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

46.03 (1) Maintain and govern the Mendota and the Winnebago state hospitals, the central state hospital, *the Wisconsin correctional reception and treatment center*, the Wisconsin state prison, the Wisconsin correctional institution, the Wisconsin state reformatory, the Wisconsin home for women, the Wisconsin correctional camp system, the Wisconsin school for boys, *the Kettle Moraine boys school, the Black River camp*, the Wisconsin school for girls, the Wisconsin workshop for the blind, the Wiscon-

sin child center, the northern, central and the southern colonies and training schools and the diagnostic center.

SECTION 1m. 46.043 of the statutes is created to read:

**46.043 WISCONSIN CORRECTIONAL RECEPTION AND TREATMENT CENTER.** There is established a new institution to be known as the Wisconsin correctional reception and treatment center. The state department of public welfare, with the approval of the governor, may purchase lands for a suitable site and erect and equip such buildings as it deems necessary from funds appropriated for the long-range building program. Such institution when constructed shall be maintained and operated by the department for the reception, classification and treatment of offenders sentenced to the Wisconsin state prisons and for the diagnosis and treatment of persons committed under s. 959.15 (1) and (2). All laws pertaining to the care of state prison inmates shall apply. Officers and employes of the institution shall be subject to the same laws as pertain to other penal institutions.

SECTION 2. 46.046 of the statutes is amended to read:

**46.046** The department may establish and operate a correctional camp program known as the Wisconsin correctional camp system. The director may, with approval of the board, allocate and reallocate existing ~~and future~~ facilities ~~and future facilities~~ as part of this system. The Wisconsin correctional camp system shall be an institution as defined in s. 46.03 and shall be a state prison as defined in s. 53.01. Inmates from the Wisconsin state prison, ~~the Wisconsin correctional institution, and the Wisconsin state reformatory prisons~~ may be transferred to this institution and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employes of the institution shall be subject to the same laws as pertain to other penal institutions. Inmates ~~may~~ shall not be received on direct commitment from the courts.

SECTION 3. 46.047 of the statutes is amended to read:

**46.047** The department ~~is authorized to~~ may construct a medium security prison to be known as the Wisconsin correctional institution on state-owned land known as prison farm 10 in Dodge county. Inmates from the Wisconsin state prison ~~and the Wisconsin state reformatory prisons~~ may be transferred to this institution and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employes of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates ~~will~~ shall not be received on direct commitment from the courts.

SECTION 3m. 53.01 of the statutes is amended to read:

**53.01** The penitentiary at Waupun is named "Wisconsin State Prison." The medium security penitentiary near Fox Lake is named "Wisconsin Correctional Institution." The penitentiary at Taycheedah is named "Wisconsin Home for Women." The penitentiary at Green Bay is named "Wisconsin State Reformatory." The institutions named in this section ~~and, the Wisconsin correctional camp system and the Wisconsin correctional reception and treatment center,~~ when established pursuant to s. ~~46.046 46.043,~~ are state prisons.

SECTION 4. 53.02 (4m) of the statutes is created to read:

**53.02 (4m) THE WISCONSIN CORRECTIONAL RECEPTION AND TREATMENT CENTER.** For all purposes of discipline and for judicial proceedings,

the Wisconsin correctional reception and treatment center designated by the department and the precincts thereof are deemed to be in the county in which the center is located, and the courts of that county shall have jurisdiction of all crimes committed within the same. Every activity, wherever located, conducted by, and under the jurisdiction of, the Wisconsin correctional reception and treatment center is deemed to be within a precinct of the center.

SECTION 5. 53.06 of the statutes is amended to read:

53.06 The sheriff shall deliver to the ~~proper state prison reception center designated by the department~~ every person convicted in his county and sentenced to ~~such prison the Wisconsin state prisons~~ as soon as may be after sentence, together with the certificate of conviction. The warden or superintendent shall deliver to the sheriff a receipt acknowledging receipt of the prisoner, naming him, which receipt the sheriff shall file in the office of the clerk who issued the certificate of conviction. When transporting or delivering a client to the Wisconsin home for women the sheriff shall be accompanied by an adult ~~female person~~ woman.

SECTION 6. 57.06 (1) (a) and (3) of the statutes are amended to read:

57.06 (1) (a) The department may parole an inmate of the Wisconsin state ~~prison~~ prisons or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07, when he has served the minimum term prescribed by statute for the offense (which shall be one year unless a greater minimum is prescribed by the statute defining the crime) or one-half of the maximum of an indeterminate term or 2 years, whichever is least, or when he has served 20 years of a life term, less the deduction earned for good conduct as provided in s. 53.11. The district attorney and judge who tried the inmate shall be notified in writing at least 10 days before the first application for parole is acted upon and if they so request shall be given like notice of each subsequent application.

(3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department, ~~and~~. All prisoners under its custody may be returned to prison at any time, on the order of the department, and shall be returned whenever found exhibited in any show. A certified copy of the order shall be sufficient authority for any officer to take the prisoner to the ~~institution from which he was paroled~~ except that a prisoner paroled from the Wisconsin correctional camp system shall be returned to the prison from which he was transferred, ~~and prison designated by the department~~. The officer shall execute such order as a warrant for arrest but any officer may, without order or warrant, take the prisoner into custody whenever it ~~appears~~ necessary in order to prevent escape or enforce discipline or for violation of parole.

SECTION 7. 57.06 (1) (b) of the statutes is repealed.

SECTION 8. 57.07 (1) of the statutes is amended to read:

57.07 PAROLES FROM HOME FOR WOMEN. (1) *Without regard to the minimum terms prescribed by s. 57.06 (1) (a)*, the department may parole prisoners in the ~~state reformatory and the home for women~~ whenever suitable employment has been secured for them, unless otherwise provided by the department, and their conduct for a reasonable time has satisfied the department that they will be law-abiding, temperate, honest and industrious. But persons serving life sentences shall be subject to ~~the provisions of s. 57.06 s. 57.06 (1) (a)~~.

SECTION 9. 57.115 of the statutes is amended to read:

57.115 When an emergency exists which in the opinion of the director of the department makes it advisable he may permit the temporary removal of a convicted person for such period and upon such conditions as he determines. The director may delegate this authority to the deputy director, the director of corrections, and the ~~warden~~ *wardens and superintendents* of the state ~~prison~~, the ~~superintendents~~ of the home for women, the state reformatory, the Wisconsin correctional institutions or the Wisconsin correctional camp system *prisons*.

SECTION 10. 959.044 of the statutes is amended to read:

959.044 When a statute authorizes imprisonment for its violation but does not prescribe the place of imprisonment, (a) a sentence of less than one year shall be to the county jail, (b) a sentence of more than one year shall be to the Wisconsin state ~~prison~~ *prisons* and the minimum under the indeterminate sentence law shall be one year, and (c) a sentence of one year may be to either the Wisconsin state ~~prison~~ *prisons* or the county jail. But in any proper case sentence and commitment may nevertheless be to ~~state reformatory~~, the Wisconsin home for women, the state department of public welfare or any house of correction or other institution, as provided by law.

SECTION 11. 959.045 of the statutes is repealed.

SECTION 12. 959.05 of the statutes is renumbered 959.05 (1) (a) and (b) and amended to read:

959.05 INDETERMINATE SENTENCE, WISCONSIN STATE PRISONS. (1) (a) If imprisonment in the Wisconsin state ~~prison~~ *prisons* for a term of years is imposed, the court may fix a term less than the prescribed maximum. The form of such sentence shall be substantially as follows:

"You are hereby sentenced to the Wisconsin state ~~prison~~ *prisons* at hard labor for an indeterminate term of not more than . . . . (the maximum as fixed by the court) years."

(b) The sentence shall have the effect of a sentence for the maximum term fixed by the court, subject to the power of actual release from confinement by parole by the state department of public welfare, or by pardon by the governor as provided by law. If a person is sentenced for a definite time for an offense for which he may be sentenced under this section, he is in legal effect sentenced as required by this section, said definite time being the maximum period. A defendant convicted of a crime for which the minimum penalty is life shall be sentenced for life.

SECTION 13. 959.05 (2) to (4) of the statutes are created to read:

959.05 (2) Upon the recommendation of the state department of public welfare, the governor may, without the procedure required by ch. 57, discharge absolutely, or upon such conditions and restrictions and under such limitation as he thinks proper, any inmate committed to the Wisconsin state prisons after he has served the minimum term of punishment prescribed by law for the offense for which he was sentenced. Such discharge shall have the effect of an absolute or conditional pardon, respectively.

(3) Female persons convicted of a felony may be committed to the Wisconsin home for women.

(4) A female person over 18 years of age convicted of a misdemeanor for which the maximum penalty is imprisonment for 6 months or more may be sentenced to a term not less than 6 months in the Wisconsin home for women instead of the county jail if the department certifies to the

court that it has adequate facilities at said home and is willing to accept such commitment.

SECTION 14. 959.051 of the statutes is repealed.

SECTION 15. 959.052 (1) of the statutes is amended to read:

959.052 (1) When any offender is sentenced to the *Wisconsin* state ~~prison or to the reformatory or to the home for women prisons~~, the commitment papers shall consist of the certificate of conviction, and certified copies of the information, indictment or complaint, the plea of the accused, the verdict and the judgment and sentence, which copies shall be delivered with the certificate of conviction to the officer executing it, and by him to the superintendent of the institution when the convict is delivered. The copy of the transcript of testimony when filed at the institution shall become a part of the commitment papers.

SECTION 16. 959.052 (5) of the statutes is repealed.

SECTION 17. 959.07 of the statutes is amended to read:

959.07 All sentences to the *Wisconsin* state ~~prison~~ *prisons* shall be for one year or more, *except as provided in s. 959.05 (4)*. Except as otherwise provided in this section, all sentences commence at noon on the day of sentence, but time which elapses after sentence while the defendant is in the county jail or is at large on bail shall not be computed as any part of his term of imprisonment. The court may impose as many sentences as there are convictions and may provide that any such sentence shall commence at the expiration of any other sentence; and if the defendant is then serving a sentence, the present sentence may provide that it shall commence at the expiration of the previous sentence. If a convict escapes, the time during which he is unlawfully absent from the prison after such escape shall not be computed as part of his term. If the defendant is sentenced to ~~a~~ *the Wisconsin* state ~~prison~~ *prisons* and to a county jail on separate counts, both sentences shall be served concurrently at a state prison unless otherwise ordered by the court.

SECTION 18. 959.09 of the statutes is repealed.

Approved December 27, 1965.

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