

CHAPTER 56.

PRISON INDUSTRIES AND LABOR.

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| 56.01 | Prison industries and products. | 56.11 | Commitments. |
| 56.02 | Binder twine plant at the state prison. | 56.12 | Record of commitments. |
| 56.03 | Convict labor on the prison farm and on construction of public buildings. | 56.13 | Work; disposition of product. |
| 56.04 | Convict labor on highways. | 56.14 | Municipal jails; labor. |
| 56.05 | Prison farms. | 56.15 | Work on Sundays and holidays. |
| 56.06 | Leasing of convict labor. | 56.16 | Milwaukee house of correction. |
| 56.07 | Vocational instruction at the reformatory and industrial home. | 56.17 | Administration and management. |
| 56.08 | Employment for the benefit of dependents. | 56.18 | Commitments; municipal prisoners; contract with other county. |
| 56.09 | Breaking rock for highways. | 56.19 | Employment of prisoners; time credits, earnings, and rewards. |
| 56.095 | Raising products for needy. | 56.20 | United States convicts. |
| 56.10 | County workhouses. | 56.21 | Injured prisoners, compensation. |
| | | 56.22 | Institution made goods. |

56.01 Prison industries and products. (1) The state board of control may establish and conduct various industries, and purchase machinery and raw materials, for the employment of prisoners in the state reformatory and state prison, in the manufacture for the state and its political subdivisions, including motor vehicle license plates and highway signs and markers, and for sale, by contract or otherwise, to other states or political subdivisions thereof or to the United States government and shall fix the price of all articles produced as near the market price as possible; provided that no monumental article shall be manufactured and sold in the open market; nor shall any furniture so manufactured be sold or offered for sale in the open market but this provision shall not be construed to mean that retailers will be deprived of the right to sell the merchandise already stocked prior to March 1, 1940. In fixing the price of motor vehicle license plates and highway signs and markers to the state of Wisconsin or any subdivision thereof the value of labor of each prisoner employed at such work shall be calculated at the rate of one dollar and seventy-five cents per day, of which twenty-five cents shall be allowed as pay to the prisoner so employed or as a benefit to his dependents.

(2) The said board may lease or purchase land within the state for the employment of such prisoners at farm work, beds of limestone for the manufacture of fertilizer, and beds of rock for road-building material; and may employ such prisoners and construct temporary barracks for their custody and safe-keeping outside the prison inclosure.

(5) The said board shall include in its biennial report to the governor, a statement showing in detail the amount of each of the various articles produced in the prison industries, the disposition of these articles, the cost of the raw material purchased, the new machinery installed and the cost thereof, the land purchased or leased and the cost thereof, and the rates and total amount of wages paid or credited to prisoners pursuant to this section. [1939 c. 501]

Note: School district is political subdivision within meaning of (1). 28 Atty. Gen. 674.

56.02 Binder twine plant at the state prison. (1) The board of control shall, at a cost not exceeding the sums appropriated therefor, purchase, erect and maintain at the state prison the necessary buildings, machinery and equipment for the manufacture of binder twine, and shall operate such plant.

(2) The warden of the state prison shall give an additional bond to the state of Wisconsin, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the additional duties devolving upon him in the operation of said binder twine plant, and to be approved by the governor.

(3) The price of the binding twine and cordage manufactured in said plant shall be fixed from time to time by the board of control and the warden of the state prison. The product of said plant shall be sold at such times and places, and in such manner as the said board and warden shall determine to be for the best interests of the state; but citizens of the state shall have the preference in purchasing said products.

Note: Board of control and warden of state prison have power to determine price at which binder twine manufactured in state prison shall be sold and have further right to fix selling price of such twine and to refuse to sell binder twine to dealer who refuses to maintain price set by said board of control and warden. 27 Atty. Gen. 822.

56.03 Convict labor on the prison farm and on construction of public buildings. The warden of the state prison may employ the convicts outside the prison yard in quarrying or getting stone from and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and also away

from the prison grounds in the construction of buildings being erected by the state. In all such cases the warden shall detail such force from the prison police as he shall deem necessary to watch and guard such convicts; and any such convict who escapes shall be deemed as having escaped from the prison proper.

56.04 Convict labor on highways. (1) The board of control may employ inmates of the state prison in the construction and improvement of such roads and highways as the said board and the state highway commission may determine, in such manner and under such terms as may be agreed upon.

(2) The board may purchase or lease such tools and machinery as said board and the state highway commission deem necessary for the purpose of carrying out the provisions of this section.

56.05 Prison farms. (1) The commissioners of the public lands, the state conservation commission and the state board of control are authorized to select from the state forest reserves a quantity of land not to exceed five thousand acres to be converted into farms for the state prison.

(2) After such selection has been made the board of control shall take possession of said lands and put them in a tillable condition by the employment of the labor of convicts in the state prison.

56.06 Leasing of convict labor. (1) The state board of control is authorized to lease, from time to time, the labor of such portion of the prisoners confined in the state prison, together with such shop room, machinery and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions and for such length of time, not exceeding five years at any one time, as it shall deem most conducive to the interests of the state and the welfare of the prisoners.

(2) Before entering into any such contract the board shall, by public advertisement, for at least four weeks in one newspaper published in each of the cities of Milwaukee and Chicago, and in the official state paper, invite sealed proposals for the hiring of such labor and the shop room, machinery and power. Such advertisements shall specify the time and place when and where such proposals will be opened and considered, and shall reserve the right to reject any or all bids.

(3) Every such contract shall reserve to said board and to the warden and each and every of his subordinates full power and authority to prevent the demanding or imposition of unusual or severe labor or labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said board may, from time to time, prescribe all needful rules for the government and conduct of all contractors, their overseers and agents in their relations to the convicts, and may require summary dismissal of any individual employed by any contractor in said prison whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

(4) Adequate security shall be exacted of all contractors for the faithful performance of all the provisions of the contract on their part to be performed, and the board of control shall use its utmost endeavors to have all the terms and conditions of said contract fully complied with on its part; but no contractor shall have or claim from the state of Wisconsin, the state board of control, the warden or from the prison or any of its funds any damages, whether by way of recoupment, setoff or otherwise, for or on account of the failure or neglect of said board to furnish to such contractor the labor of the full number of convicts specified in its contract.

(5) The state board of control may make all needful rules and regulations for the guidance of the warden in the execution of any contract made by it and may, whenever in its judgment it is impracticable to furnish the labor of convicts to any contractor, determine and cancel any contract, and thereupon, after six months' notice to such contractor, all obligations to said board under such contract shall cease and determine, and such contractor shall not have or be entitled to have any compensation, whether by way of damages, setoff, recoupment or otherwise, in consequence thereof.

56.07 Vocational instruction at the reformatory and industrial home. The state board of control 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 industrial home for women such systems of training, and instruction in trades and domestic science, and create such industries as may seem to said board for the best interests of the inmates of said industrial home.

56.08 Employment for the benefit of dependents. (1) In any county having no workhouse any person, and in all other counties any female person, convicted of any offense and sentenced to imprisonment in the county jail shall be committed to hard labor; provided, that the court may order the imprisonment, or a part thereof, to be in actual and

ordinary confinement, unless the jail to which the commitment is made shall have been declared inadequate or unfit by the state board of control pursuant to section 46.17. Every such prisoner, for such period of time as he may have been sentenced to hard labor, shall be required to do and perform any suitable labor provided for by the sheriff anywhere within said county; but the hours of labor in farm work shall be not less than ten nor more than twelve hours, and in all other work not more than ten hours, each day.

(2) At the time such sentence is imposed or at any time before its termination, the court sentencing such person may, upon consideration of his health and training, ability to perform labor of various kinds, and the ability of the sheriff to find and furnish various kinds of employment, direct the kind of labor at which such person shall be employed, and the nature of the care and treatment he shall receive during such sentence.

(3) The county jail of such county is extended to any place within the county where said work is provided, and the sheriff shall at all times have the custody of such prisoners.

(4) Every prisoner employed under the provisions of this section who shall perform faithfully all the duties assigned to him shall, for willingness, industry, and good behavior in such performance, be credited with one-fourth of the time of his sentence. Any such prisoner who, being of sufficient ability, shall refuse to work diligently may be punished by solitary confinement and fed on bread and water only, at the discretion of the sheriff, for a period not exceeding ten days for each such refusal.

(5) The sheriff shall make contracts in writing, subject to the approval of the court, for the employment of all such prisoners, if not employed in doing work for the county, and shall make all needful regulations for their profitable employment and the collection of their earnings. Each such contract shall be executed in duplicate and a copy thereof shall be filed with the court. For unreasonably neglecting or refusing to carry out the provisions of this section the sheriff shall be subject to a fine of not to exceed one hundred dollars; and for a repetition of such neglect or refusal he shall, in addition to such fine, be removed from office.

(6) At the time of sentencing such convicted person the court shall take proof and determine what person or persons if any are actually dependent on such convicted person for support, and shall cause their names to be entered in the docket, and in the commitment of such convicted person. The court shall at the same time designate and enter in said docket and commitment the name of a person to whom payments shall be made for the use of such dependent person or persons, as hereinafter provided. At the end of each week the sheriff shall pay over to said payee for the use of said dependents the earnings of such prisoner collected by him; and if the prisoner worked for the county the sheriff shall issue and deliver to the said payee for the use of said dependents an order on said county, for an amount equal to one dollar per day for the number of days of such labor, specifying in said order who earned said money and who are entitled to it for support, and such order shall be paid by the county treasurer from the general fund.

(7) All balances of money collected by the sheriff by virtue of this section and not paid out pursuant to subsection (6) shall, at the end of each month, be deposited by the sheriff with the county treasurer, together with an itemized statement showing by whom the same were earned and by whom paid, and shall be the property of the county. The sheriff shall also render to the county board, at each session thereof, a sworn itemized statement of all money so collected, by whom earned, and by whom paid; and also of all sums paid out, to whom paid and for whom, including all orders drawn on said county as provided herein.

(8) In counties in which the sheriff is paid a salary, he shall receive no extra compensation for carrying out the provisions of this section. In all other counties the sheriff shall receive therefor such extra compensation as may be fixed by the county board; but until such compensation shall be fixed, he shall receive a fee of five cents per mile for each mile actually and necessarily traveled in carrying out the provisions of this section.

(9) At the termination of the sentence of such prisoner the sheriff shall report to the court by whom the prisoner was committed, as to the attitude, industry, and behavior of such prisoner in the performance of duties assigned to him, and as to his general conduct.

Note: Earnings of prisoner employed by contract with sheriff are not subject to deduction for board, tobacco, washing or other incidentals, but must be paid in full for the benefit of the prisoner's dependents. 19 Atty. Gen. 400.

Prisoner in county jail in default of payment of fine may be hired out by sheriff without order from court. 22 Atty. Gen. 668.

Employment of county prisoners under

56.08 and 56.09 is not subject to workmen's compensation act. 25 Atty. Gen. 286.

This section is applicable to justice court. Unless justice provides otherwise, said section operates as commitment to hard labor as matter of course. 28 Atty. Gen. 71.

Persons sentenced to a county jail whether for violation of a municipal ordinance or otherwise are to be placed at labor under the provisions of 56.08 and not under 56.14. 28 Atty. Gen. 505.

56.09 Breaking rock for highways. (1) The county board in any county whose population is less than one hundred thousand may provide in a convenient place near the

county jail a quantity of rock and appropriate implements for the breaking of such rock into suitable material for road making.

(2) All male persons convicted in any court and sentenced and committed to imprisonment in the county jail where such rock is provided, if not employed as provided in section 56.08, shall, unless certified by the county physician to be physically unable to perform such labor, be employed in breaking rock for the building and repair of public highways not exceeding eight hours each day.

(3) The county board shall prescribe all necessary regulations for the maintenance of such rock and implements at the county jail, and for the carrying on of such labor. All receipts and expenditures pursuant to this section shall be supervised and controlled by the county board.

56.095 Raising products for needy. (1) The county board of any county whose population is less than one hundred thousand may by resolution authorize a committee consisting of the board chairman, sheriff and the officer charged with the care of the poor in such county to provide such work for workers hereinafter designated as will not reduce remunerable employment for other employables in the locality where such work is furnished, and to acquire appropriate farm land for raising garden truck and crops and to provide suitable implements, tools and equipment necessary for the performance of such work and carrying on of such husbandry, including work clothing for workers.

(2) All able bodied male persons convicted, sentenced and committed to the county jail in such counties shall without compensation be employed at such work and on such farm land under the direction and supervision of said committee not exceeding eight hours each day.

(3) All goods produced by such work and products raised on such farm shall be turned over to the county officer charged with the care of the poor for distribution to the needy.

(4) Said committee may employ a guard for prisoners so employed at a wage not in excess of four dollars per day. The county board may appropriate money to carry out the functions authorized in this section. [1939 c. 106]

56.10 County workhouses. Any county board may, pursuant to sections 46.17, 46.18, 46.19, and 46.20, establish a workhouse and necessary outbuildings, and purchase the furniture and fixtures requisite therefor, for the detention and employment of prisoners as hereinafter provided. The compensation of each trustee of such workhouse shall not, in any one year, exceed one hundred and twenty dollars.

Note: Maintenance and conduct of workhouses and workfarms established for confinement of persons convicted of minor offenses, including maintenance of discipline therein, are governmental functions in suppression of disorder and crime. *Mormon v. Douglas county*, 224 W 29, 271 NW 362.

56.11 Commitments. (1) Upon the completion of any such workhouse the superintendent shall, in writing, notify the county clerk, each justice of the peace, police justice, and the judge of every court of record in his county of the fact; and thereafter, whenever any male person within such county is sentenced to imprisonment in the county jail, the commitment shall be to hard labor, either in the workhouse, or in the county jail as provided in section 56.08, in the discretion of the court.

(2) Any officer who shall receive the commitment of any person to the workhouse shall convey such person thereto as soon as practicable; and shall be entitled to compensation at the rate of ten cents per mile for each mile actually traveled in such service, going and returning, and in addition five cents per mile for the transportation of each prisoner.

(3) Any person committed to such workhouse who, being of sufficient ability to do so, shall refuse to work diligently may be punished by solitary confinement therein and fed on bread and water only, at the discretion of the superintendent, for a period not exceeding ten days for each such refusal.

(4) All the provisions of chapter 55 which relate to prisons generally shall apply to any such workhouse.

56.12 Record of commitments. The superintendent of the workhouse shall number and file all commitments and certificates of conviction received by him, and keep a record of all persons received by him for confinement in such workhouse, stating the date when received, name, age, residence, court in which sentenced, crime of which convicted, term of sentence, time of discharge, death or escape, and such other particulars as the trustees may direct.

56.13 Work; disposition of product. All persons committed to such workhouse shall be employed for not to exceed ten hours of each day at such work as may be provided by the trustees. The product of such work shall be the property of the county and may be sold or otherwise disposed of by the trustees.

56.14 Municipal jails; labor. The common council of any city of the fourth class, however organized, and every village board shall have power to compel any person committed to the watchhouse or place of confinement of such city or village who is not physically disabled, to perform labor upon any public work under such supervision and control as such city or village may provide, and for each day's labor performed, said person so sentenced shall be credited with the sum of two dollars, which shall apply on such fine and costs until the same are paid or until such person is released from custody.

56.15 Work on Sundays and holidays. No prisoner in any penal institution within this state shall be compelled to work on any Sunday or legal holiday, except on necessary household work or when necessary to maintain the management or discipline of such institution.

56.16 Milwaukee house of correction. (1) The county board of any county whose population is two hundred and fifty thousand or more may, pursuant to section 46.17, establish, relocate, and maintain within the limits of said county a house of correction for the safe-keeping, reformation, and employment of persons sentenced and committed to confinement therein as hereinafter provided.

(2) The expenses of maintaining said house of correction, over and above all receipts for the labor of persons confined therein and for the support of prisoners therein whose support is not chargeable to said county shall be audited by the said county board at its annual meeting, and paid out of the county treasury, and shall be raised, levied and collected as part of the ordinary expenses of said county.

56.17 Administration and management. (1) The management of every such house of correction shall be controlled by the county board, pursuant to such regulations and under the direct supervision and control of such officers as said board shall prescribe. No such regulation shall be finally adopted on the day on which it is first presented to said board for consideration, nor until it shall have been considered and reported upon by the proper committee of said board. Said board may by ordinance place the management of said house of correction under the control of the board of trustees provided for by section 46.21, and in such event the provisions of said section 46.21, so far as applicable, shall control. The county board may by ordinance again resume control of the management of said house of correction. The county board shall, in accordance with the civil service law, prescribe the number and compensation of all personnel needed for the administration of said house of correction, and fix the duties to be performed by them.

(2) In every county maintaining a house of correction, the judges of the county, municipal and district courts, district attorney, and sheriff, and the mayor and city attorney of its most populous city, shall constitute a board of visitors, who shall investigate the affairs of such house of correction on the first Monday of August in each year, and thereupon report in writing to the county board at its annual meeting, or to the board of trustees if such board be in charge of such institution, setting forth the condition of such house of correction, and suggesting such alterations, improvements or other matters respecting the management, discipline and government of the same as may promote the purposes thereof and the interests of said county. [1939 c. 48]

56.18 Commitments; municipal prisoners; contract with other county. (1) Every court, justice, magistrate or other officer in such county or in any village or city therein, authorized to commit or sentence any person to the county jail upon conviction of any offense or violation of any city or village ordinance, or authorized to sentence any person to imprisonment in the state prison for any term not exceeding five years, may in lieu of such sentence commit or sentence such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer. All mittimus and warrants of commitment in such cases shall be issued and directed to the superintendent of said house of correction, and shall be his authority for the detention of the person sentenced or committed.

(2) Each village or city in such county shall, at such times as shall be designated by the county board, pay to the county the actual and reasonable cost of maintenance, as determined by ordinance of the county board, of all persons confined in the house of correction for the violation of any of the ordinances of such city or village during the preceding year.

(3) Any such county may contract with any other county, upon such terms as may be agreed upon by their respective county boards, to receive into said house of correction any person who may be sentenced to confinement therein by any court, justice or other officer of such other county; and thereupon, so long as such contract remains in force, every court, justice or other officer in such other county, authorized to commit or sentence any person to the county jail may, in lieu of such sentence or commitment, sentence or commit such person to said house of correction for an equivalent term, at hard labor,

or solitary confinement, or in part to each, at the discretion of such court or officer; and any officer to whom the process of commitment in such case is delivered for execution shall, by virtue of such process, convey such person to the said house of correction, and deliver him with the commitment papers, to the superintendent of said house of correction; and thereafter such person shall be detained and treated by all persons, courts and officers, respectively, as if sentenced and committed to said house of correction by any court, justice or other officer in the county in which said house of correction is established.

(4) Whenever it shall appear, to the satisfaction of the state board of control, that any person convicted of a felony and committed to any house of correction and whose continued presence is detrimental to other inmates or to the discipline of such house of correction, said board may, with the approval of the governor, transfer such person to the state prison.

(5) Whenever in the opinion of the superintendent of the house of correction and the county physician in charge at the house of correction, an inmate's life is in jeopardy because of injury or disease or that the inmate is suffering from a disease that cannot be advantageously treated at the house of correction, a temporary transfer of such inmate may be made on their order to the Milwaukee county hospital, but notification of such transfer shall in all cases be given to the governor and shall be subject to cancellation by him at any time. [1939 c. 48]

56.19 Employment of prisoners; time credits, earnings, and rewards. (1) The superintendent of said house of correction shall place all prisoners therein at such employments, and shall cause all prisoners therein who are minors to be instructed in such branches of useful knowledge, as shall be prescribed by the regulations of the county board, but no goods manufactured therein shall be offered for sale or sold in the open market, except the goods already stocked by retailers prior to March 1, 1940.

(2) He may employ such prisoners outside of said house of correction, for the purpose of cultivating the farm of said institution or in doing any other work necessary to be done in the regular business thereof, or in the construction of public highways within said county. In all such cases he shall detail such force from the house of correction as he may deem necessary to watch and guard such prisoners.

(3) The superintendent shall keep a true record of the conduct of each prisoner, specifying each infraction of the rules of discipline; and at the end of each month shall give a certificate of good conduct to each prisoner against whom no such infraction is recorded, subject to annulment by the governor for subsequent misconduct of the prisoner. Upon each such certificate issued to any such prisoner serving sentence for a misdemeanor the prisoner shall be credited, at the discretion of the superintendent, with a diminution of the sentence not exceeding five days. Each such prisoner serving sentence for a felony shall receive time credits as provided in section 53.11.

(4) The county board may, pursuant to regulations prescribed by said board and approved by the state board of control, extend to such prisoners similar time credits, pecuniary earnings, and rewards, subject to similar conditions and limitations, as those prescribed by section 53.12 for convicts in the state prison. [1939 c. 48, 501]

56.20 United States convicts. The county of Milwaukee may contract with the United States for the keeping and support, within its house of correction, of all prisoners who are sentenced to imprisonment by the courts of the United States within this state, upon such terms as may be agreed upon by the county board and the officers of the United States having authority for that purpose.

56.21 Injured prisoners, compensation. (1) If an inmate of a state institution shall in the performance of his work in connection with the maintenance of such institution, or of any industry maintained therein, be injured in such a way as to permanently incapacitate such inmate or materially reduce his earning power, he may, upon his discharge from such institution, be allowed and paid such compensation therefor as he shall be found entitled to by the industrial commission. Such loss shall be compensated for on the same basis as though such injury had been covered by the workmen's compensation act, except that the total of the sum paid to any such inmate shall not exceed one thousand dollars, and such sum may be paid to such inmate in partial payments.

(2) In the case of penal institutions, where injury results from employment in a prison industry, such payment shall be made from the revolving appropriation for the operation of such industry.

Note: Milwaukee house of correction is not state institution. 20 Atty. Gen. 73.

56.22 Institution made goods. No goods, excepting farm machinery, farm implements and tools, cordage rope and ply goods, and binder twine, manufactured wholly or in part by convicts, prisoners or inmates in any state, city or county penal institution shall be offered for sale on the open market except as provided in subsection (1) of section 56.01 and subsection (1) of section 56.19. [1939 c. 501]