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1905

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may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as it may prescribe in behalf or in supervision of prisoners paroled or discharged from the state prison, the state reformatory, or other public prison in the state, including assistance in obtaining employment, and the return of paroled prisoners. Such agent and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed. (3597, 3602; '03 c. 286)

CHAPTER 106

JAILS, LOCKUPS, AND JUVENILE OFFENDERS

COUNTY JAILS

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5462. How constructed and maintained—The county board of each county is authorized to construct and maintain at the expense of its county a jail for the safe keeping of prisoners, and also, adjoining and connected therewith, a residence for the use of the sheriff. (7417; '03 c. 198)

5463. Fugitives from justice how kept—Compensation—Any county jail may be used for the safe keeping of fugitives from justice in this state, in accordance with the provisions of any act of Congress. The officer holding any such fugitive in custody shall pay the sheriff one dollar as a commitment fee, and fifty-seven cents per day, for the use of the county, for his board. (7418)

5464. United States prisoners—Whenever any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and remedies as though committed under process issued under state authority. The United States shall pay to the sheriff, for the use of the county, for each prisoner so kept and boarded, the sum of fifty-seven cents per day. (7419, 7420)

5465. Commitment, etc., preserved—Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be indorsed, filed, and safely kept in a suitable box by the sheriff or jailer, and delivered to his successor; and, whenever the process by which any prisoner is committed is required to be returned to the court, such sheriff or jailer shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of his right to retain such prisoner in custody. (7421, 7422)

5466. Register of prisoners—Return to court—Every sheriff shall keep in a book furnished by the county a register of all prisoners committed to any jail under his charge. It shall contain the name of every person committed, by what authority, his residence, date of commitment, and, if for a criminal offence, a description of the person, when and by what authority liberated, and, in case of escape, the time and manner thereof. At the opening of each term of district court he shall make a certified transcript therefrom to such court, showing all cases therein not previously disposed of. Every sheriff who neglects or refuses to so report shall be guilty of a gross misdemeanor. (7423, 7424)

5467. Officers appointed by sheriff—The sheriff of every county maintaining a jail, with the approval of the judges of the district court therein, shall appoint a competent woman as matron, who, under his direction, shall have exclusive charge of all female prisoners. He may, in the same manner, whenever the average number of prisoners in such jail for the preceding six months shall have been ten or more, appoint a night watchman, and, when twenty or

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more, an assistant jailer also. Said judges shall fix the compensation of all such employees at not less than the following sums, viz.: The matron, fifty cents for each day when there is a female prisoner; the night watchman and assistant jailer, one dollar per day; providing that they shall be discharged whenever the number of prisoners for any preceding six months has fallen below the number herein prescribed: Provided, that in counties having a population of more than one hundred and fifty thousand, and less than two hundred thousand, the sheriff, with the approval of said judges, may appoint a matron, two jailers, two watchmen, and, where an elevator is in use, an operator thereof, who shall be a deputy sheriff. Said officers shall be sober, responsible persons, able to read and write the English language intelligently. Their compensation shall be fixed by said judges and paid monthly, they shall hold office during the pleasure of the sheriff and judges, and they may be removed at any time by the sheriff or by said judges. Whenever the sheriff performs the duties of jailer, he shall receive the compensation fixed therefor. (7425; '03 c. 378)

Appointment and removal of jailer (25-383).

5468. Labor for jail prisoners—Every able-bodied male prisoner over sixteen and not more than fifty years of age, confined in any county jail or village lockup under judgment of any court of record, justice court, or other tribunal authorized to imprison for the violation of any law, ordinance, by-law, or police regulation, may be required to labor during the whole or some part of the time of his sentence, but not more than ten hours per day. Such court or tribunal, when passing judgment of imprisonment for non-payment of fine or otherwise, shall determine and specify, whether such imprisonment shall be at hard labor or not. Such labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Persons awaiting trial may be allowed, as a privilege, to perform such labor, but only within jail yards. (7426; '97 c. 127 ss. 1, 2)

5469. Supervision—Whenever a sentence is for violation of a state law, such labor shall be performed under the direction of the county board, and superintended by the sheriff, who shall furnish necessary materials and tools at the expense of the county, and the county shall be entitled to the benefit thereof. When the sentence is for a violation of an ordinance, by-law, or regulation of a village or city, such labor shall be performed under the direction of its governing body, and superintended by the marshal or chief of police, who shall furnish the materials at the expense of such village or city, which shall be entitled to the benefit thereof. ('97 c. 127 ss. 3, 4)

5470. Power of officers—The officer in charge of prisoners so sentenced to labor may use all reasonable means necessary to prevent escape or enforce obedience. For refusal to labor or obey necessary orders in reference thereto, a prisoner may be kept in solitary confinement on bread and water, unless other food is required for the preservation of health, but shall not be so confined more than ten days for any one offence, nor more than ninety days in all. Such punishment shall not be treated as any part of the sentence. ('97 c. 127 s. 5)

5471. Credit for labor—Protection of prisoner—For each day's labor the prisoner shall be credited one dollar and fifty cents on any judgment for fine and costs, and, when imprisoned in default of payment of a fine or fine and costs, he shall be discharged whenever he has performed sufficient labor to pay the same. The officer in charge of such prisoners shall protect them from insult and annoyance while at labor or going to and returning therefrom. Every person who shall insult, annoy, or communicate with such prisoners, after being by such officer commanded to desist, shall be guilty of a misdemeanor, and punished by imprisonment for not more than five days, or by fine of not more than ten dollars. ('97 c. 127 ss. 6, 7)

5472. Compensation for boarding prisoners—Every sheriff in charge of a county jail shall receive from the county compensation for board and washing for prisoners as follows: On the last day of each month he shall render to the county board a verified statement showing the name of each prisoner, and

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the number of days boarded. The average number for the month shall be ascertained by adding together the number of days each has been boarded, and dividing by the number of days in the month. If such average number is not more than five, the pay shall be fifty-seven cents per day for each prisoner; if more than five and not more than ten, fifty cents per day; if more than ten and not more than fifteen, forty-six cents per day; if fifteen or more, forty-three cents per day; but in no case shall he receive a less amount for boarding a larger number than he would be entitled to for a smaller number. In every county where the sheriff's compensation for board of prisoners is fixed by special law, it shall so continue, unless the county board by unanimous vote shall elect to come under the general law, after which it shall be governed by this section. (7427)

5473. Collection of board bills—At the end of every month the sheriff of each county shall render to the auditor a statement showing the name of each fugitive from justice, United States prisoner, one committed from another county or one committed by virtue of any city or village ordinance, the amount due the county for board of each and from whom, and also of all amounts due for board of prisoners for the preceding month. He shall collect and pay to the county all bills for board of prisoners due from any source except his own county, and neglect to collect any such bill shall render him liable on his bond therefor. (7428)

5474. Charges for other than county prisoners—Whenever any prisoner is ordered confined in any county other than that in which his offence was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board seventy-one cents per day, except, that when there are not more than three prisoners in such county jail the charge for such board be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail. (7429; '01 c. 182)

5475. Jails, how kept—The sheriff of each county, by himself or deputy, shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner, and no minor under sixteen years shall be kept in the same room with other prisoners; no insane prisoner shall be kept in the same room with any other prisoner unless such person shall be detailed as a nurse; and, so far as the construction of the jail will permit, strict separation of prisoners shall be maintained. No person awaiting trial shall be kept in a room with any other prisoner. (7430)

5476. Clothing, bedding, food, and care—The county board shall provide jail suits of coarse material, without distinctive marks, suitable underclothing, bedding, towels, and medical aid for prisoners, and fuel for the jail and sheriff's residence. Unless otherwise furnished, the sheriff may require a prisoner to wear a jail suit during his confinement, but shall restore his own clothing upon discharge. No prisoner shall be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, and have each prisoner's shirt washed at least once a week, and shall furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well-cooked food. If the construction of the jail will permit persons held for trial to be kept separate from those serving sentence, a difference in their diet shall be made. Those serving sentence shall receive meat once a day, but no butter, pastry, tobacco, or other luxuries, except on Sundays and holidays. (7431, 7432)

5477. Bibles and religious instruction—Every keeper of a jail shall provide for each prisoner able and willing to read the same a copy of the Bible, at the expense of the county, and any minister of the gospel desirous of giving moral

and religious instruction to prisoners shall have access to them at proper times. All immoral books and papers and those largely composed of accounts of crime shall be excluded from every jail. (7434)

5478. Solitary confinement—Whenever any prisoner is unruly or disobeys any regulation for the management of jails, the sheriff or jailer may order him kept in solitary confinement on bread and water for not more than twenty days for each offence. (7437)

5479. Escapes, how punished—Every prisoner confined in jail, under sentence to the state prison, who shall break jail and escape, shall upon conviction thereof be punished by imprisonment in the state prison for one year in addition to the unexpired term of his original sentence. Every prisoner under a jail sentence, or awaiting trial, who shall break jail and escape, if the offence for which he is confined is not capital, shall be punished by imprisonment in the county jail for six months; if capital, by two years in state prison. (7438)

5480. Removal of prisoners in case of fire—Whenever by reason of fire or other casualty the prisoners in any jail are exposed to danger, the keeper may remove them to some safe place to avoid such danger. (7439)

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County board to consult board of control—Whenever any county board determines to erect a new jail, or to repair an existing one at an expense of more than two hundred and fifty dollars, it shall pass a resolution to that effect, and transmit a copy thereof to the state board of control, which within thirty days thereafter shall transmit to such county board such advice and suggestions in reference to the construction thereof as it deems proper. (7440)

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Plans and estimates submitted—After the receipt of such advice and suggestions, such board shall procure plans and estimates of the cost of such new jail or repairs, and submit the same to said board of control for suggestions and for approval, so far as relates to the safety and sanitary conditions of the proposed building. Such suggestions and approval shall be in writing and filed with the county auditor before any contract for such erection or repairs shall be binding, or any warrant is drawn for payment for labor or materials therefor. (7441)

5483. Funds, how provided—Before making any contract for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor, but it shall create no bonded indebtedness for that purpose in excess of the limit now or hereafter established by law. (7442; '03 c. 94; '03 c. 198 s. 3)

5484. Bonds—Such bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars each, and bear interest at not more than six per cent. per annum, payable semiannually, and the principal be payable at a time fixed by the county board, not more than twenty years from their date. Said board shall from time to time levy a tax sufficient to meet the interest and principal as it becomes due, until their payment has been fully provided for. (7443, 7444)

5485. District jails—How designated—The state board of control, with the consent of the county board, may designate any suitable jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of its own, and, whenever such jail or its management becomes unfit for such purpose, may rescind its designation. Whenever there is no sufficient jail in any county, the examining magistrate, upon his own motion, or the judge of the district court, upon application of the sheriff, may order any person charged with a criminal offence committed to a sufficient jail in some other county: Provided that, if there be a district jail in the judicial district, he shall be sent thereto, or to any other nearer district jail designated by the magistrate or judge, and the sheriff of the county containing such district jail, on presentation of such order, shall receive, keep in

custody, and deliver him up upon the order of such court, or a judge thereof. (7445, 7446)

5486. Condemnation of jails—Whenever the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand jury or of his own motion, may issue his written order condemning it; or, whenever the state board of control shall adjudge any county jail insecure or otherwise unfit for use, it may, with consent of the judge of the district court, issue its written order condemning it. After condemnation such jail shall not be used for the detention of any prisoner for more than twenty-four hours at one time, except pending preliminary examination, or while court is in session, until the order of condemnation is rescinded. (7447)

LOCKUPS

5487. How established—The governing body of any city or village may purchase, build, or lease, maintain and regulate, one or more lockups for the detention of persons charged with offences against its ordinances and by-laws, or for the confinement of persons sentenced to imprisonment for violation of such ordinances and by-laws; and, under regulations prescribed by such governing body, it may be used for the temporary detention of any prisoner under arrest. But no such purchase or lease, and no plans for building or repairing any such lockup at an expense of more than one hundred dollars, shall be finally adopted until the same shall have been approved by the state board of control, and no contract for such erection or repair shall be valid unless the suggestions and advice of said board shall have been filed with the clerk of such municipality before its execution. ('95 c. 264 ss. 1, 2)

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5488. Approval of board of control—Said board of control shall not approve any plan for a lockup unless it contains at least two separate rooms, with floors of stone or cement, or other fireproof material, laid over concrete, and is to be otherwise constructed of fireproof material, or have all woodwork within and without, except its window frames and sash, covered with tin, sheet iron, or other fireproof material. ('95 c. 264 s. 3)

5489. Duties of chief of police and village marshal—The chief of police or village marshal, as the case may be, shall cause every lockup under his care, and the bedding therein, to be kept clean, wholesome, and free from vermin. Such lockup shall be swept daily and thoroughly cleansed with water at least once every two weeks when occupied. Such chief of police or marshal shall keep in a book furnished by the municipality a complete register of all prisoners committed thereto, and all persons admitted as lodgers therein, in the form prescribed by said board of control. ('95 c. 264 ss. 4, 6)

Municipality not liable for defective lockup (62-278, 64+812).

5490. Matron—The chief executive officer of every city or village having a lockup shall appoint some competent woman of good character as matron, who shall have exclusive charge of all women committed thereto, and see that they are kept in a room separate from male prisoners. She shall receive such compensation as the governing body shall determine, not less than fifty cents for each day during which a female prisoner is confined therein. ('95 c. 264 s. 7)

5491. Health officer to inspect—The health officer of every city and village having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to said board of control upon blanks prescribed by it, and deliver a copy of such report to the governing body of such city or village. Upon filing such report he shall receive from the treasurer of such municipality a fee of two dollars. ('95 c. 264 s. 9)

5492. Board of control may condemn—Whenever said board of control shall become satisfied, from the report of a local health officer or from its own inspection, that any such lockup is unfit for use, it may condemn the same by its written order, and it shall not be further used while such order is in force. ('99 c. 187 s. 1)

5493. Furnishing liquor to inmates—No sheriff, jailer, police officer, marshal, or other person in charge of any jail or lockup, under any pretence whatsoever, shall give, sell, or deliver to any prisoner therein any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider, or beer, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case he may be allowed the prescribed quantity, and no more. ('7433; '95 c. 264 s. 8; '97 c. 41 s. 2)

5494. Penalties—Every sheriff, jailer, police officer, marshal, or other officer or person in charge of any jail or lockup who shall violate any preceding provision of this chapter shall, for each such violation, be guilty of a misdemeanor, and on a second conviction shall be adjudged to be incapable of holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup, as the case may be, for the period of six years. ('7436; '95 c. 264 s. 10; '97 c. 41 s. 3)

5495. Patrol wagon to be closed—In cities having a population of more than fifty thousand, every transfer of persons charged with or convicted of crime from one place of detention to another, or to or from the place of trial, in a vehicle at public expense, shall be made in a closed conveyance, so as to screen such person from the public view. Every person who shall violate the foregoing provisions shall be guilty of a misdemeanor. ('03 c. 207)

JUVENILE OFFENDERS

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5496. Probation officers—In every county of more than fifty thousand inhabitants a probation officer shall be appointed by the state board of control, subject to approval by the district judges of such county. Such officer may appoint one or more deputies, subject to the approval of said judges. Each shall serve four years, unless sooner removed by said judges for cause. ('99 c. 154 s. 1; '03 c. 270 s. 1)

See 1905 c. 321

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5497. Duties—Such officer or his deputy shall be present at every session of the municipal court in the principal city in his county, and in district court whenever any person under twenty-one years of age is brought into court for trial for any offence, and in the probate court when such person is brought in for the purpose of having it determined whether he should be committed to a state institution. He shall supervise and be responsible for the conveyance of all children committed by said court to the state public school, without compensation, except transportation and expenses actually incurred. ('03 c. 270 s. 2) See 1905 c. 321

5498. Same—He shall represent the interests of such minor in court, and investigate his case under the direction of the judge thereof. He shall inquire into the nature of every juvenile criminal case in any court where he is authorized to appear, may recommend that any such person convicted by the court be placed under probation, have oversight of such minor during any continuance or suspension of sentence, and, in general, perform such acts with reference to him as the judgment of the court may direct. He shall not be an active member of the regular police force, but in the execution of his official duties shall have all the power of a police officer. Every such officer who shall refuse or neglect to perform any duty required of him by law shall forfeit to the state two hundred dollars. ('03 c. 270 s. 3)

5499. Stay of sentence—When any person under the age of 21 years shall be found guilty of the violation of any law, ordinance, or regulation, or of incorrigibility or vagrancy, in any court of record in any county having a population of more than fifty thousand, the judge, after sentence, may stay its execution for such period as he may deem best, conditioned upon the good behavior of such person; and he may commit him during such stay to the care of the probation officer, or return him to the custody of his natural guardian, subject to the supervision of such officer, under prescribed conditions. ('03 c. 270 s. 4)

5500. Report to court and board of control—Every such probation officer shall report in writing to the court, as often as required by it, with reference to the children under his care, and shall report quarterly to the state board of control the condition, disposition, and other pertinent facts relative to such children, on blanks prescribed and furnished by such board. ('03 c. 270 s. 5)

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5501. Salaries—In counties having a population of more than fifty thousand and less than one hundred thousand, the probation officer shall receive as full compensation for his services six hundred dollars per annum, and in counties having a population of one hundred thousand or more he shall receive twelve hundred dollars per annum, and his deputy six hundred dollars per annum, which salaries shall be paid by the county treasurer, in equal monthly instalments, upon certificates issued by the clerk of the district court. ('03 c. 270 s. 6)

07 5501 - 342

See 1905 c. 321

5502. How kept—Every sheriff or other person having charge of a minor under the age of sixteen years, chargeable with any crime, shall provide a separate place of confinement for him, and under no circumstances place him with grown-up prisoners. No court or magistrate shall commit a minor under the age of fourteen years to a jail, lockup, or police station pending hearing or trial; and, whenever he is unable to procure bail, he may be committed to the care of the sheriff or other public officer, or to the probation officer, who shall keep him in some suitable place provided by the city or county. Every minor while in confinement shall be provided with good reading matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him. (7435; '03 c. 387 ss. 1, 2)

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5503. Trial of minors—Who excluded—At the hearing or trial of a minor under the age of sixteen, charged with any crime, the trial judge or magistrate, prior to his being brought into the courtroom, shall clear the same of all persons except officers of the court, including attorneys, witnesses, relatives, and friends. ('03 c. 387 s. 3)