

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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employed on state account, or from the current expense fund of the institution as the director of public institutions shall determine. (As amended Act Apr. 13, 1943, c. 430, §1.)

Op. Atty. Gen. (91c-1), May 27, 1943, June 8, 1943; note under §10821 (2), 640.32.

Though purchases for inmates at state prison and state reformatory are made by division of purchases of department of administration, requirement of reorganization act of competitive bidding is not applicable, stores being owned and operated by inmates. Op. Atty. Gen. (980B-22), July 10, 1940.

10821. Monies, how used—Forfeiture.—Subdivision 1. Any money arising under section 1 of this act shall be and remain under the control of the director of public institutions, and shall be for the sole benefit of the prisoner, unless by special order of the director of public institutions it shall be used for rendering assistance to his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the director of public institutions may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined, in each case, by the warden or superintendent, at least one-half of such earnings shall be set aside and kept by the institution in the public welfare fund of the state for the benefit of the prisoner and for the purpose of assisting him when he leaves the institution and if released on parole said sum to be disbursed to the prisoner in such amounts and at such times as the board of parole may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the prisoner.

Subd. 2. **Warden to increase fund to \$25.00.**—If the fund standing to the credit of the prisoner on his leaving the institution by discharge or on parole be less than \$25.00, the warden or superintendent is directed to pay out of the current expense fund of the institutions sufficient funds to make the total of said earnings the sum of \$25.00. (As amended Apr. 13, 1943, c. 430, §2.)

If a convict on parole dies leaving a credit on the prison books, funds are to be disposed of in accordance with regulations in force, but if there are no regulations in force at the time, then the money can only be distributed in the manner ordered by the probate court having jurisdiction. Op. Atty. Gen. (91i), May 20, 1943.

Women on parole at the time of passage of Laws 1943, c. 430. Op. Atty. Gen. (91c-1), July 28, 1943.

Subd. 2.

Prisoner is entitled to \$25 when he leaves the prison whether he leaves by parole or upon completion of his sentence, and not when his freedom is finally made permanent by the giving of final discharge, though he would be entitled to two such payments where he is returned to the prison for violation of his parole and then released the second time on expiration of his sentence. Op. Atty. Gen. (91c-1), May 27, 1943, June 8, 1943.

In absence of some other arrangement war bonds purchased by prisoner to be considered as his personal property and not "as standing to the credit of the prisoner". Op. Atty. Gen. (91i), June 8, 1943.

Payment of \$25 is not made when inmate of reformatory has been transferred to insane hospital, even though sentence has expired, but when he is discharged from hospital. Op. Atty. Gen. (91c-1), June 15, 1943.

STATE REFORMATORY

10825. Transfer of prisoners.

Director of public institutions may transfer any prisoner sentenced by a state court, whether sentenced for

life or for a less period, from either of penal institutions mentioned to the other. Op. Atty. Gen. (91N-2), Feb. 19, 1942.

Where prisoner was sentenced to serve term in St. Cloud Reformatory and was paroled and later was convicted of another crime and was sentenced to state prison, he should serve the reformatory term first and may be transferred to the reformatory for that purpose. Op. Atty. Gen. (341k), Apr. 19, 1943.

10828. Record of conduct—Release, etc.

A commutation of sentence to a term of 4½ months, with reservation of right to revoke commutation for misconduct, does not restore civil rights. Op. Atty. Gen. (68h), Sept. 13, 1940.

FEMALE CONVICTS

10835. Transfer of women convicts.

Rules formerly applicable to imprisonment of federal women prisoners in penitentiary now apply to imprisonment in reformatory. Op. Atty. Gen., (342f), Apr. 8, 1941.

10836. Sentences to be to state reformatory.

Every inmate at Women's Reformatory at Shakopee is entitled to be paid \$25.00 upon discharge, and it is immaterial that state has been put to much expense in pursuing and apprehending and caring for inmates. Op. Atty. Gen. (344f), May 2, 1942.

10838. Discharge from reformatory — Clothing — Money.—Upon the release by discharge or on parole of any inmate of the state prison, the state reformatory for men or the state reformatory for women, the warden or superintendent, at the expense of the state, shall furnish each inmate released with one good, serviceable outfit of clothing, and, when released during the winter months between approximately October 1 and March 31 following, with a good, serviceable overcoat. (As amended Apr. 13, 1943, c. 430, §3.)

Op. Atty. Gen. (91c-1), May 27, 1943, June 8, 1943; note under §1021 (2), 640.32.

Every inmate at Women's Reformatory at Shakopee is entitled to be paid \$25.00 upon discharge, and it is immaterial that state has been put to much expense in pursuing and apprehending and caring for inmates. Op. Atty. Gen. (344f), May 2, 1942.

10839. State Reformatory for Women established.

Board of parole is not bound by minimum sentences and may parole prisoners at any time. Op. Atty. Gen., (341k-5), June 16, 1941.

STATE BOARD OF CRIMINAL CLASSIFICATION

10846-1 to 10846-9. [Repealed.]

Where sentence was pronounced under Laws 1935, c. 207, and execution postponed until after passage of Laws 1939, c. 71, and after abolition of Board of Classification, court should amend sentence and direct that defendant be taken to a penal institution certain. Op. Atty. Gen. (341k-8), Oct. 22, 1941.

Where defendant was sentenced when board of classification was in existence and placed on probation and after abolishment of such board he was sentenced for a second crime, court could not revoke probation and amend first sentence by changing institution of confinement. Op. Atty. Gen. (341k-3), Dec. 11, 1941.

EMPLOYMENT OF PRISONERS IN CONSERVATION WORK

10846-13. May expend moneys.

Operation of state owned farms by the State Reformatory at St. Cloud—Use of inmate labor thereon—Payment of expenses of operation—Funds available. Op. Atty. Gen. (270j), May 1, 1942.

CHAPTER 106

Jails, Lockups, Work Farms, and Juvenile Offenders

COUNTY JAILS

10847. How constructed and maintained.

County commissioners may in their discretion restrict use that can be made of any portion not necessary for use of sheriff and his family for resident purposes, and if remainder is rented out or used for any purpose, revenue should go to county treasurer. Op. Atty. Gen., (390a-17), Apr. 4, 1941.

Exclusion of a sheriff from his residence in court house adjoining county jail and use of residence for other purposes. Op. Atty. Gen. (390a-17), Dec. 2, 1942.

10849. United States prisoners.

Jailer was not liable for false imprisonment for detaining a prisoner beyond expiration of his sentence, prisoner having been confined in a jail in another county, where there was nothing in commitment received by

jailer to inform him that prisoner had served any part of sentence prior to delivery under commitment, and having no knowledge of prior confinement, or that marshal's return stated that prisoner had been previously confined. *Peterson v. Lutz*, 212M307, 3NW(2d)489. See Dun. Dig. 3728.

Laws 1943, c. 198, amending §10857, 641.11 does not have the effect of amending this section. Op. Atty. Gen. (559b), June 12, 1943.

10851. Register of prisoners—Return to court.

Jail register is not a public record open to the inspection of the public and sheriff should permit examination thereof only in proper cases of which he is the judge. Op. Atty. Gen. (851i), June 13, 1943.

10856. Credit for labor—Protection of prisoner.

If a prisoner convicted of violation of traffic laws elects to serve his sentence rather than pay the fine imposed, and later changes his mind and pays his fine, county cannot charge meals to him for number of days he was fed in jail as a condition of his release. Op. Atty. Gen. (559A), Dec. 21, 1940.

10857. 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 the number of days boarded. The pay shall be seventy-five cents per day, provided, however, there shall be an additional pay of 25 cents per day effective for a period of two years commencing May 1, 1943, and proportionately for a fractional day for each prisoner. 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 provided that the provisions of this act shall not apply to any county in this state now or hereafter having a population of more than 75,000. (As amended Mar. 26, 1943, c. 198, §1.)

Prisoners arrested by state highway patrol. Op. Atty. Gen. (559a), Dec. 5, 1941.

Prisoners arrested by highway patrol. Op. Atty. Gen. (559A), Jan. 19, 1942, reversing Dec. 5, 1941.

Laws 1943, c. 198, amending this section, does not have the effect of amending §10849, 641.03. Op. Atty. Gen. (559b), June 12, 1943.

10859. Charges for other than county prisoners.

Statutes are silent as to expense of employing a matron to care for female prisoners sent from other counties, but it seems that committing judge may require sending

county to pay such expense. Op. Atty. Gen. (127a), Nov. 6, 1941.

Applies to prisoners arrested by state highway patrol. Op. Atty. Gen. (559a), Dec. 5, 1941.

Boarding of county, local and highway patrol prisoners. Op. Atty. Gen. (559A), Jan. 19, 1942, reversing Dec. 5, 1941. See note under §2554(18)(b).

Laws 1943, c. 198, does not have the effect of amending this section. Op. Atty. Gen. (559b), June 12, 1943.

10862. Jails, how kept.

Sheriff is not required to permit one confined to jail to marry. Op. Atty. Gen. (300), Mar. 22, 1943.

10867. Escapes, how punished.

Where man is bound over to district court in a county without a jail and is lodged in jail in another county and escapes, escape constitutes another felony and county where escape occurs is liable for cost of apprehending and returning prisoner, but sheriffs of both counties hold outstanding warrants and may enter into an agreement to share expense. Op. Atty. Gen., (341a), April 24, 1940.

10871. Funds, how provided.

Source of county board's authority to erect a new jail is §668(3), but authority for issuance of bonds is found in §1942, which requires majority vote of electors, notwithstanding provisions of §10871, though §10869 to 10874 must be compiled with. Op. Atty. Gen., (37B-3), Jan. 13, 1940.

10874. Condemnation of jails.

Mere fact that a jail has been condemned does not vest authority in county board to defray cost of a new jail by issuing bonds without authorization by voters. Op. Atty. Gen., (37B-3), Jan. 29, 1940.

Powers of Board of Control in relation to supervision of jails and lockups have been transferred to the Director of Public Institutions. Op. Atty. Gen. (127b), Feb. 16, 1943.

LOCKUPS

10875. How established.

Powers of Board of Control in relation to supervision of jails and lockups have been transferred to the Director of Public Institutions. Op. Atty. Gen. (127b), Feb. 16, 1943.

It is not necessary to maintain a jailer in charge of a city lockup at all times. Op. Atty. Gen. (127a), May 5, 1943.

10879. Cities may send prisoners to jails outside.

Villages are liable to county for necessary expense of keeping prisoners in county jail who have committed violation of village ordinances, but are not liable for prisoners violating state laws. Op. Atty. Gen., (341M), Feb. 16, 1940.

Where person is convicted of violating a city ordinance and commitment to county jail is executed by a village officer, county is not liable for transporting prisoner to jail. Op. Atty. Gen. (91b), Oct. 19, 1943.