

CHAPTER 641

COUNTY JAILS

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641.01 CONSTRUCTION, MAINTENANCE; PRISONERS PLACED IN JAIL, REPORTS. The county board of each county is authorized to construct and maintain, at the expense of the county, a jail for the safekeeping of prisoners, and also, adjoining and connected therewith, a residence for the use of the sheriff.

Any peace officer placing a prisoner in such jail shall report immediately to his superior officer concerning the fact of that placement. A jailer or custodian shall be present during the time any prisoner is detained in such jail.

[R L s 5462; 1955 c 425 s 1] (10947)

641.02 FUGITIVES FROM JUSTICE, SAFEKEEPING; FEES. Any county jail may be used for the safekeeping 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 \$2 as a commitment fee, and \$2 per day, for the use of the county, for his board.

[R L s 5463; 1955 c 425 s 2] (10848)

641.03 UNITED STATES PRISONERS; FEES. When 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 county the sum of \$2 per day for each prisoner so kept and boarded. Provided, that in any county of this state now or hereafter containing a city of the first class, the sheriff of such county shall at the request of the county board of commissioners of any such county determine the average daily per capita cost for the food, clothing, medical and incidental expense for the care and maintenance of persons committed to the county jail for the preceding year. The amount found to be the average daily per capita cost of such committed persons shall be paid to the county by the United States for each prisoner so kept and boarded during the current year, subject to such division of fees between the county and the sheriff as is now provided by law.

[R L s 5464; 1917 c 304 s 1; 1931 c 91 s 1; 1955 c 425 s 3; 1957 c 225 s 1] (10849)

641.04 COMMITMENT PRESERVED. Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be endorsed, filed, and safely kept in a suitable box by the sheriff or jailer, and delivered to his successor; and, when 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.

[R. L. s. 5465] (10850)

641.05 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 offense, 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.

[*R. L. s. 5466*] (*10851*)

641.06 APPOINTMENT OF EMPLOYEES; COMPENSATION. 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, when the average number of prisoners in such jail for the preceding 12 months shall have been ten or more, appoint a night watchman and, when 20 or more, an assistant jailer also. The judges shall fix the compensation of all such employees at not less than the following sums: The matron, \$5 for each day or fraction thereof when there is a female prisoner; the night watchman and assistant jailer, \$5 per day; provided, that they shall be discharged when the number of prisoners for any preceding 12 months has fallen below the number herein prescribed. Such officers shall be sober, responsible persons, able to read and write the English language intelligently. Their compensation shall be fixed by the judges and paid monthly; they shall hold office during the pleasure of the sheriff and judges and may be removed at any time by the sheriff or by the judges. When the sheriff performs the duties of jailer, he shall receive the compensation fixed therefor.

[*R L s 5467; 1907 c 257 s 1; 1913 c 332 s 1; 1955 c 425 s 4*] (*10852*)

641.07 PRISONERS, LABOR. Every able bodied male prisoner over 16 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, bylaw, 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 nonpayment 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, upon request, to perform such labor. Each prisoner performing labor may be paid a reasonable compensation by the county if imprisoned in violation of state law or awaiting trial upon a charge thereof, and by the city, village, or borough if confined for the violation of any ordinance, bylaw, or police regulation; the compensation to be paid to the wife, family, or dependents of such prisoner, or such other person as the court sentencing him may direct, and shall be in such amount as such court shall determine upon application of the person or official under whose superintendence the work shall be performed, and shall be allowed by the board of county commissioners of the governing body of the village, borough, or city upon such order of the court.

[*R L s 5468; 1913 c 373 s 1; 1955 c 425 s 5*] (*10853*)

641.08 SUPERVISION. When a sentence is for violation of a state law, and the prisoner is confined in a county jail, 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, bylaw, 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.

[*R. L. s. 5469; 1913 c. 373 s. 2*] (*10854*)

641.09 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 offense, nor more than 90 days in all. Such punishment shall not be treated as any part of the sentence.

[R. L. s. 5470] (10855)

641.10 PAYMENT FOR LABOR; PROTECTION. For each day's labor the prisoner shall be credited \$3 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 when 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 officers 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 \$10.

[R L s 5471; 1955 c 425 s 6] (10856)

59C 499 c 3 **641.11 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 \$2 for each day or 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 section shall not apply to any county in this state now or hereafter having a population of more than 75,000.

[R L s 5472; 1909 c 192 s 1; 1917 c 184 s 1; 1933 c 251; 1935 c 262; 1943 c 198 s 1; 1945 c 69 s 1; 1947 c 38 s 1; 1949 c 186 s 1; 1953 c 296 s 1] (10857)

641.12 COLLECTION OF BOARD BILLS. At the end of every month the sheriff of each county shall render to the county 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.

[R. L. s. 5473] (10858)

59C 499 c 4 **641.13 CHARGES, PRISONERS FROM OTHER COUNTIES.** When any prisoner is ordered confined in any county other than that in which his offense was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and the sheriff of such other county shall collect from the county sending him, for his board \$2 for each day, or fractional day, and, in addition thereto, the county board of such other county shall collect from the county sending such prisoners, such sums as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. In addition thereto the county board of such other county may collect from the county sending such prisoners such sum as the county board may determine but not to exceed \$1 per day for other expenses incurred by such other county in providing jail facilities 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 county 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.

[R L s 5474; 1929 c 320 s 1; 1951 c 319 s 1; 1953 c 299 s 1] (10859)

641.14 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 16 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.

[R. L. s. 5475] (10862)

641.15 PRISONERS; FEEDING, 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 the 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.

[R. L. s. 5476; 1955 c. 425 s. 7] (10863)

641.16 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.

[R. L. s. 5477] (10864)

641.17 SCHOOLS IN JAILS AND WORK FARMS. The county board of each county in this state wherein is maintained a county jail or work farm may provide a school or schools for the instruction in the elementary branches of learning of all persons detained therein as prisoners, and in such case shall provide the necessary furniture, appliances, and teachers to be paid for out of the county annual revenue fund; such schools to be maintained for not less than two hours each school day or night sessions if necessary, and school attendance by the prisoners shall be made compulsory as far as possible. The teachers necessary for such purpose shall be appointed by the county board, with the approval of the county superintendent of schools, who shall exercise supervision thereover in connection with his other duties as such superintendent.

[1913 c. 460 s. 1] (10865)

641.18 SOLITARY CONFINEMENT. When 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 20 days for each offense.

[R. L. s. 5478] (10866)

641.19 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 offense 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 the state prison.

[R. L. s. 5479] (10867)

641.20 REMOVAL OF PRISONERS IN CASE OF FIRE. When, 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.

[R. L. s. 5480] (10868)

641.21 JAIL, ADVICE AS TO CONSTRUCTION. When any county board determines to erect a new jail, or to repair an existing one at an expense of more than \$2,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of public welfare, who, within 30 days thereafter, shall transmit to such county board such advice and suggestions in reference to the construction thereof as he deems proper.

[R. L. s. 5481; 1955 c. 425 s. 8] (10869)

641.22 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 the commissioner of public welfare 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.

[R. L. s. 5482] (10870)

641.23 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 thereafter established by law.

[R. L. s. 5483] (10871)

641.24 BONDS. Such bonds shall be issued in sums of not less than \$100, nor more than \$1,000, each and bear interest at not more than six percent per annum, payable semiannually, and the principal payable at a time fixed by the county board, not more than 20 years from their date. The 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.

[R. L. s. 5484] (10872)

641.25 DISTRICT JAILS; HOW DESIGNATED. The director of public institutions, 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, when 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 offense committed to a sufficient jail in some other county. 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.

[R. L. s. 5485] (10873)

641.26 CONDEMNATION OF JAILS. When 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, when the director of public institutions shall adjudge any county jail insecure or otherwise unfit for use, he may, with consent of the judge of the district court, issue his written order condemning it. After condemnation such jail shall not be used for the detention of any prisoner for more than 24 hours at one time, except pending preliminary examination, or while court is in session, until the order of condemnation is rescinded.

[R. L. s. 5486] (10874)

ST. LOUIS COUNTY

641.27 BOARD OF PRISONERS. When the sheriff of any county now or hereafter having a population of not less than 150,000, and not more than 225,000, occupies the residence portion of the county jail in such county, the sheriff, at the direction of the county board, shall have the duty of furnishing and shall furnish to the prisoners confined in the jail, the board of such prisoners, at a price per meal or per day to be fixed by the county board, the county to furnish in the building a properly equipped kitchen and all necessary fuel.

[1913 c. 200 s. 1] (10860)

641.28 RATE OF BOARD; STATEMENTS. The county board, at its regular meeting in January of each year, shall fix the rate of board, either by the day or per meal, for all such prisoners as shall be confined in the county jail, and the rate of board as fixed by the county board shall continue for the remainder of the year unless the county board by unanimous vote shall change the same. The compensation for boarding the prisoners, as fixed by the county board, shall include the necessary washing of the clothing of the prisoners and it shall be the duty of the sheriff to cause the clothing of the prisoners to be properly washed as part of his duties in caring for the prisoners, without extra compensation therefor except as included in the board.

On the first day of each month the sheriff shall render to the county board a verified statement showing the name of each prisoner and the number of days he

was boarded or the number of meals furnished him, as the case may be, and the bill of the sheriff based on the verified statement shall be allowed by the county board at each monthly meeting as are other claims against the county.

[1913 c. 200 s. 2] (10861)

641.29 BOARDING AND CARE OF PRISONERS; DUTIES OF SHERIFF; NO ADDITIONAL COMPENSATION. In any county in this state now or hereafter having a population of over 150,000, and less than 240,000, and an area of over 5,000 square miles, the sheriff of the county shall have the duty of preparing and delivering to the prisoners confined in the county jail at the county-seat, the food and meals for such prisoners and the duty of causing to be washed in the jail the shirts, underclothing, and bed linen of all persons confined in the jail, but shall receive no compensation therefor in addition to his salary as fixed by law.

[1925 c. 127 s. 1] (10861-1)

641.30 COUNTY TO PROVIDE EQUIPMENT. The county board of any such county shall equip the county jail with all necessary cooking utensils, dishes for boarding all prisoners, laundry utensils, and laundry and toilet supplies for the county jail, and the sheriff shall appoint and employ a cook and such assistants as the county board shall deem necessary, subject to the approval and at the pleasure of the county board and sheriff, to have charge of the preparation of all food and meals and the county board shall fix their compensation, which they shall be paid as the salaries of other county employees are paid.

[1925 c. 127 s. 2] (10861-2)

641.31 COUNTY TO FURNISH SUPPLIES. The sheriff of any such county shall make his requisitions upon the county board for the supplies and provisions needed by him for the board of such prisoners in the jail, quarterly in advance, at least 20 days before the beginning of each quarterly period. Thereupon the county auditor shall advertise for bids by published notice once each week for two consecutive weeks, for the furnishing of all or such part of such supplies and provisions as the county board shall deem necessary, the bids to be received and opened by the county board at the next meeting of the county board following the completion of the publication, and the contract therefor shall be let by the county board to the lowest responsible bidder. Any supplies found necessary by the sheriff during any quarterly period, and not included in such requisition, may be purchased by him as needed, and the reasonable cost thereof shall be audited and allowed by the county board on duly itemized verified bills in the same manner as other general claims against such county are allowed. Any food supplies produced by any department of any such county may be purchased for use in feeding jail prisoners at a price to be agreed upon between the county board and the board or commission in charge of the department for the county, without calling for bids therefor.

The county board shall also furnish all fuel, gas, electricity, and other supplies necessary for furnishing food and meals to the prisoners and for the washing of the clothing of the prisoners.

[1925 c. 127 s. 3] (10861-3)

641.32 PRISONERS TO ASSIST; KITCHEN. It shall be the duty of the sheriff of any such county to cooperate with the county board by furnishing such prisoners from the prisoners confined in the jail, as can be trusted to do the work, to act as helpers in assisting in preparing the food and meals and in taking the same from the kitchen and serving the same to each of the prisoners confined in the jail.

[1925 c. 127 s. 4] (10861-4)

641.33 THREE MEALS A DAY. It shall be the duty of the sheriff to cause to be prepared and delivered the food and meals promptly and regularly three times a day to the prisoners.

[1925 c. 127 s. 5] (10861-5)

641.34 CLOTHING WASHED WEEKLY. It shall be the duty of the sheriff of any such county to have the personal clothing of each prisoner, and the bed sheets and pillow cases used in each cell, washed at least once a week without extra compensation.

[1925 c. 127 s. 6] (10861-6)

641.35 QUARTERS FOR JUVENILE AND HANDICAPPED PERSONS. Where any county jail is equipped with juvenile quarters, rooms for sick and insane persons, school rooms, hospital ward, and rooms other than the cells for any other purpose, the sheriff shall not use any of these rooms for any other purpose than the ones for which they were provided, except on the written order of a judge of the district court of the county.

[1925 c. 127 s. 7] (10861-7)

641.36 PRISONERS CONFINED AT PLACES OTHER THAN COUNTY-SEAT. The provisions of sections 641.29 to 641.38 shall not apply to the furnishing of meals to prisoners who may be confined in the cell rooms of any court building elsewhere than at the county-seat, but the sheriff shall furnish meals to all such prisoners at the expense of the county at reasonable rates, without profit to the sheriff, to be paid by the county as other general claims against the county are paid.

[1925 c. 127 s. 8] (10861-8)

641.37 SUPERVISION OF JAIL. In any such county, the county board shall have charge of and be responsible for the care and maintenance of the county jail building and have authority to place the care and maintenance of the jail building under the chief engineer of the county court-house at the county-seat of any such county and the chief engineer and his assistants shall have authority, when found necessary, to enter the jail building for the purpose of the care and maintenance thereof.

[1925 c. 127 s. 9] (10861-9)

641.38 MATRON AND ASSISTANT MATRON. In any such county, the sheriff, with the approval of a majority of the judges of the district court therein, shall appoint a competent woman to act as matron in the jail, who shall be a deputy sheriff and qualify as such before performing her duties as matron and the matron shall act under the direction of the sheriff and shall have exclusive charge of all female prisoners confined in the jail and shall engage in no other occupation or employment. When the average number of female prisoners confined in the jail during the preceding six months shall have been ten or more, an assistant matron may be appointed in like manner, who shall have like duties as the matron and shall engage in no other business or occupation. When in any such county any such assistant matron shall be appointed, the assistant matron shall perform her duties as such during the night-time and occupy the quarters provided for such matron in the county jail, and it shall be the duty of such matron or assistant matron to perform such duties in charge of the female prisoners confined in the jail as the sheriff may by order direct.

[1925 c. 127 s. 10] (10861-10)

RAMSEY COUNTY

641.39 SHERIFF TO BOARD PRISONERS. In any county having more than 300,000 and less than 450,000 inhabitants in which county there is located a city of the first class having a population in excess of 250,000 inhabitants, the sheriff shall purchase all necessary foodstuffs and shall have same prepared and served to the prisoners confined in the county jail of such county, but he shall receive no compensation therefor in addition to his salary as fixed by law.

[1937 c 164 s 1; 1949 c 59 s 1] (10861-17)

641.40 COUNTY TO EQUIP KITCHEN. The county board of the county shall equip the county jail with all necessary cooking and serving utensils for feeding of prisoners and furnish all fuel, gas, electricity, and supplies necessary for preparing food for the prisoners.

[1937 c. 164 s. 2] (10861-18)

641.41 SHERIFF TO APPOINT EMPLOYEES. The sheriff of the county shall appoint and employ one assistant, whose duty it will be to check up daily purchases, keep proper records and at the first meeting of each month present to the board of county commissioners all bills for foodstuffs purchased the preceding month, and such bills shall be allowed in the same manner as provided by the laws relating to the allowance of claims by county boards. The compensation of the assistant shall be \$100 per month. Such assistant shall have the power and authority of a deputy sheriff under the laws of this state and, before entering upon these duties, shall take the oath of such office and furnish a bond in the same manner.

[1937 c. 164 s. 3] (10861-19)

641.42 LIMIT TO COMPENSATION OF EMPLOYEES. The sheriff of the county shall appoint and employ a cook and such assistants as may be necessary to have charge of the preparation and serving of all such food and the sheriff shall fix their compensation, but at no time shall such combined compensation exceed \$225 per month, which shall be paid in the same manner as the salaries of other county employees are paid. Such cook and assistants shall have the power and authority of deputy sheriffs under the laws of this state and, before entering upon these duties, shall take the oath of such officers and furnish a bond in the same manner.

[1937 c. 164 s. 4] (10861-20)

641.43 SHERIFF TO KEEP RECORD. The sheriff shall keep a record of feeding all prisoners, except such prisoners as are confined in such jail for violation of the laws of the state of Minnesota, and render a statement to the governmental agency responsible for such confinement monthly or quarterly, and all moneys received therefrom shall be turned over to the treasurer of Ramsey county through the county auditor of Ramsey county.

[1937 c. 164 s. 5] (10861-21)

641.44 SHERIFF MAY EMPLOY TRUSTIES IN KITCHEN. The sheriff may furnish and use such prisoners confined in the jail, to be known as trustees, as may be required to aid and assist in the kitchen and for the purpose of serving food to prisoners confined in the jail.

[1937 c. 164 s. 6] (10861-22)