

Incarceration

CHAPTER 640

STATE PRISON AND REFORMATORIES

STATE PRISON

**640.01 STATE PRISON; LOCATION AND MANAGEMENT.**

HISTORY. 1853 c. 12 ss. 1, 5; 1857 c. 45 s. 1; 1858 c. 34 ss. 1, 2; P.S. 1858 c. 119 ss. 38, 39; 1863 c. 6 ss. 1, 2, 21 to 25; G.S. 1866 c. 120 ss. 25, 26, 45; G.S. 1878 c. 120 ss. 25, 26, 47; 1889 c. 254 ss. 1, 9, 23; G.S. 1894 s. 7449; R.L. 1905 s. 5432; G.S. 1913 s. 9289; G.S. 1923 s. 10787; M.S. 1927 s. 10787; 1939 c. 431 art. 7 s. 3.

Following *Flecten v Lamberton*, 69 M 187, 72 NW 65, it is held that Laws 1909, Chapter 27, providing for the construction of a new state's prison is a valid enactment. *Brown v Ringdal*, 109 M 6, 122 NW 469.

Prisoner, holding adjustment certificates or funds therefrom may purchase land. OAG May 19, 1936 (342b).

**640.02 REVOLVING FUND CREATED.**

HISTORY. 1858 c. 34 s. 52; P.S. 1858 c. 119 s. 89; 1909 c. 151 s. 1; G.S. 1913 s. 9291; G.S. 1923 s. 10790; M.S. 1927 s. 10790.

**640.03 SOURCES OF FUND.**

HISTORY. 1909 c. 151 s. 2; G.S. 1913 s. 9292; G.S. 1923 s. 10791; M.S. 1927 s. 10791.

**640.04 USE OF FUND.**

HISTORY. 1909 c. 151 s. 3; G.S. 1913 s. 9293; G.S. 1923 s. 10792; M.S. 1927 s. 10792.

**640.05 DISBURSEMENT FROM FUND.**

HISTORY. 1853 c. 12 s. 12; 1909 c. 151 s. 4; G.S. 1913 s. 9294; G.S. 1923 s. 10793; M.S. 1927 s. 10793.

**640.06 REVOLVING FUND; BORROWING.**

HISTORY. 1905 c. 135; 1907 c. 266 s. 1; G.S. 1913 s. 9290; G.S. 1923 s. 10788; M.S. 1927 s. 10788.

**640.07 PRISON FUNDS.**

HISTORY. 1919 c. 25 s. 1; G.S. 1923 s. 10789; M.S. 1927 s. 10789.

**640.08 CONTRACTORS NOT TO BE EMPLOYED; EMPLOYEES MAY NOT ACCEPT GIFTS.**

HISTORY. 1858 c. 34 s. 17; P.S. 1858 c. 119 s. 54; 1863 c. 6 s. 17; G.S. 1866 c. 120 s. 51; G.S. 1878 c. 120 s. 54; 1889 c. 254 ss. 21, 22, 25; G.S. 1894 ss. 7469, 7470, 7473; R.L. 1905 s. 5433; G.S. 1913 s. 9295; G.S. 1923 s. 10794; M.S. 1927 s. 10794.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 640.09 STATE PRISON AND REFORMATORIES

4396

### 640.09 VISITORS; FEES.

HISTORY. 1853 c. 12 ss. 28, 29; 1863 c. 6 ss. 42, 49; G.S. 1866 c. 120 ss. 66, 73; G.S. 1878 c. 120 ss. 69, 76; 1887 c. 208 s. 12; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1889 c. 254 s. 39; 1893 c. 114 s. 1; G.S. 1894 ss. 3592, 7487; R.L. 1905 s. 5434; 1909 c. 241 s. 1; G.S. 1913 s. 9296; G.S. 1923 s. 10795; M.S. 1927 s. 10795.

### 640.10 COMMITMENT PAPERS; DUTY OF CLERK AND OFFICER.

HISTORY. 1853 c. 12 s. 14; 1857 c. 45 s. 1; 1863 c. 6 s. 43; G.S. 1866 c. 120 s. 67; G.S. 1878 c. 120 s. 70; 1889 c. 254 s. 28; 1893 c. 9 s. 2; G.S. 1894 ss. 7476, 7508; R.L. 1905 s. 5436; 1911 c. 228 s. 1; G.S. 1913 s. 9298; G.S. 1923 s. 10797; M.S. 1927 s. 10797.

SEE: Court rules of second judicial district. 175 Minn. Reports, Page LIV.

### 640.11 PAYMENT OF STENOGRAPHER.

HISTORY. 1858 c. 34 s. 41; P.S. 1858 c. 119 s. 78; 1911 c. 228 s. 2; G.S. 1913 s. 9299; G.S. 1923 s. 10798; M.S. 1927 s. 10798.

### 640.12 UNITED STATES CONVICTS.

HISTORY. 1863 c. 6 s. 35; G.S. 1866 c. 120 s. 59; G.S. 1878 c. 120 s. 62; 1889 c. 254 ss. 30, 31; G.S. 1894 ss. 7478, 7479; R.L. 1905 s. 5437; G.S. 1913 s. 9300; G.S. 1923 s. 10799; M.S. 1927 s. 10799.

### 640.13 DISCIPLINE.

HISTORY. 1853 c. 12 ss. 13, 22, 23; 1863 c. 6 ss. 32, 33; G.S. 1866 c. 120 ss. 56, 57; G.S. 1878 c. 120 ss. 59, 60; 1889 c. 254 ss. 31, 32; G.S. 1894 s. 7480; R.L. 1905 s. 5438; G.S. 1913 s. 9301; G.S. 1923 s. 10800; M.S. 1927 s. 10800.

### 640.14 SEPARATE CELLS.

HISTORY. 1858 c. 34 s. 34; P.S. 1858 c. 119 s. 71; 1863 c. 6 s. 39; G.S. 1866 c. 120 s. 62; G.S. 1878 c. 120 s. 65; 1889 c. 254 s. 33; G.S. 1894 s. 7481; R.L. 1905 s. 5439; G.S. 1913 s. 9302; G.S. 1923 s. 10801; M.S. 1927 s. 10801.

### 640.15 INTOXICATING LIQUORS.

HISTORY. 1858 c. 34 s. 44; P.S. 1858 c. 119 s. 81; 1863 c. 6 s. 47; G.S. 1866 c. 120 s. 71; G.S. 1878 c. 120 s. 74; 1889 c. 254 s. 34; G.S. 1894 s. 7482; R.L. 1905 s. 5440; G.S. 1913 s. 9303; G.S. 1923 s. 10802; M.S. 1927 s. 10802.

### 640.16 FIREARMS, EXPLOSIVES, INTOXICANTS, OPIUM, FORBIDDEN; PENALTY.

HISTORY. 1913 c. 196 s. 1; G.S. 1913 s. 9304; 1915 c. 241 s. 1; 1923 c. 391 s. 1; G.S. 1923 s. 10803; M.S. 1927 s. 10803.

### 640.17 CONVICTS MAY COMMUNICATE WITH WARDEN OR DIRECTOR.

HISTORY. 1889 c. 254 s. 35; G.S. 1894 s. 7483; R.L. 1905 s. 5441; G.S. 1913 s. 9305; G.S. 1923 s. 10804; M.S. 1927 s. 10804.

### 640.18 CONTAGIOUS DISEASE; REMOVAL OF CONVICTS.

HISTORY. 1853 c. 12 s. 20; 1863 c. 6 s. 34; G.S. 1866 c. 120 s. 58; G.S. 1878 c. 120 s. 61; 1889 c. 254 s. 36; G.S. 1894 s. 7484; R.L. 1905 s. 5442; G.S. 1913 s. 9306; G.S. 1923 s. 10805; M.S. 1927 s. 10805.

### 640.19 REWARD FOR ESCAPED CONVICT.

HISTORY. 1853 c. 12 s. 24; 1857 c. 45 s. 1; 1858 c. 34 ss. 42, 43; P.S. 1858 c. 119 ss. 79, 80; 1863 c. 6 ss. 44, 45; G.S. 1866 c. 120 ss. 68, 69; G.S. 1878 c. 120 ss. 71,

# MINNESOTA STATUTES 1945 ANNOTATIONS

4397

STATE PRISON AND REFORMATORIES 640.27

72; 1889 c. 254 ss. 37, 38; G.S. 1894 ss. 7485, 7486; R.L. 1905 s. 5443; G.S. 1913 s. 9307; G.S. 1923 s. 10806; M.S. 1927 s. 10806.

## 640.20 COMMUNICATION WITH CONVICTS.

HISTORY. 1853 c. 12 s. 21; 1858 c. 34 s. 39; P.S. 1858 c. 119 s. 76; 1863 c. 6 s. 41; G.S. 1866 c. 120 s. 65; G.S. 1878 c. 120 s. 68; 1889 c. 254 s. 40; G.S. 1894 s. 7488; R.L. 1905 s. 5444; G.S. 1913 s. 9308; G.S. 1923 s. 10807; M.S. 1927 s. 10807.

If communications are withheld from convict they must be delivered to him upon his release. OAG Sept. 4, 1934 (598a).

## 640.21 VOCATION OF CONVICT; EXAMINATION BY COURT.

HISTORY. 1895 c. 154 ss. 1, 2; R.L. 1905 s. 5446; G.S. 1913 s. 9310; G.S. 1923 s. 10809; M.S. 1927 s. 10809.

Sentence that prisoner "be confined and restrained in the state prison conformably to the rules and regulations of that institution" is not void, and cannot be impeached collaterally on habeas corpus. The sentence is defective in form only and not in substance. State ex rel v Wolfer, 68 M 465, 71 NW 681.

## 640.22 NO CONTRACT LABOR; TOOLS AND MACHINERY.

HISTORY. 1858 c. 34 s. 53; P.S. 1858 c. 119 s. 90; 1887 c. 166 ss. 1, 2; 1887 c. 197 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 120 ss. 106, 107, 112; 1889 c. 255 ss. 1 to 3; 1895 c. 154 ss. 3, 4; R.L. 1905 s. 5447; G.S. 1913 s. 9311; G.S. 1923 s. 10810; M.S. 1927 s. 10810.

## 640.23 SELLING OF LABOR OF CONVICTS PROHIBITED.

HISTORY. 1887 c. 166 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 120 s. 109; 1909 c. 481 s. 1; G.S. 1913 s. 9312; G.S. 1923 s. 10811; M.S. 1927 s. 10811.

## 640.24 SALE OF BINDING TWINE.

HISTORY. 1903 c. 104; R.L. 1905 s. 5448; 1907 c. 74; 1913 c. 334 s. 1; G.S. 1913 s. 9313; G.S. 1923 s. 10812; M.S. 1927 s. 10812; 1941 c. 168.

In an action by the state to recover upon a note given for binding twine under a contract executed pursuant to General Statutes 1913, Section 9313 (section 640.24), the court erred in striking from the answer allegations of a modification of the contract, and giving judgment on the pleadings for plaintiff. State v Schurz, 143 M 218, 173 NW 408.

## 640.25 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR BINDING TWINE.

HISTORY. 1895 c. 94; 1917 c. 58 s. 1; G.S. 1923 s. 10813; M.S. 1927 s. 10813.

## 640.26 NUMBER EMPLOYED IN ONE INDUSTRY.

HISTORY. R.L. 1905 s. 5449; 1907 c. 71 s. 1; G.S. 1913 s. 9314; G.S. 1923 s. 10814; M.S. 1927 s. 10814.

## 640.265 PRISONERS MAY BE EMPLOYED IN CERTAIN ROAD WORK.

HISTORY. 1941 c. 235.

## 640.27 STATE PRISON MAY MANUFACTURE MACHINERY.

HISTORY. 1907 c. 49 s. 1; 1913 c. 144 s. 1; G.S. 1913 s. 9315; 1923 c. 294 s. 1; G.S. 1923 s. 10815; 1927 c. 172; M.S. 1927 s. 10815; 1929 c. 348; M. Supp. s. 10815.

On sales within the state prices are governed by state laws; but on sales outside of state the sales may be made, and the price modified so as not to conflict with the national recovery act. 1934 OAG 710, Feb. 8, 1934 (504b-2).

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 640.28 STATE PRISON AND REFORMATORIES

4398

### 640.28 SALE OF MACHINES.

HISTORY. 1907 c. 49 s. 2; G.S. 1913 s. 9316; 1923 c. 294 s. 2; G.S. 1923 s. 10816; M.S. 1927 s. 10816.

Sales within the state are controlled as to price. A higher or lower price may be charged outside the state. 1934 OAG 710, Feb. 8, 1934 (504b-2).

### 640.29 HABITUAL DRINKERS.

HISTORY. 1895 c. 154 s. 15; R.L. 1905 s. 5450; G.S. 1913 s. 9317; G.S. 1923 s. 10817; M.S. 1927 s. 10817.

### 640.30 SENTENCE ON REFORMATORY PLAN.

HISTORY. 1893 c. 9 s. 1; G.S. 1894 s. 7507; R.L. 1905 s. 5451; G.S. 1913 s. 9318; G.S. 1923 s. 10818; M.S. 1927 s. 10818.

Under Revised Laws 1905, Section 5454 (section 640.35), the fact that the judgment of conviction, upon which defendant is sentenced to the reformatory, fails to state the age of the defendant, does not render it subject to attack on habeas corpus. *State ex rel v Wolfer*, 119 M 368, 138 NW 315.

Section 610.35 provides that the sentence shall state the place where the sentence is to be served. Section 640.35 provides that persons between 16 and 30 for first offense shall be sent to the reformatory. Second offense prisoners and those over 30 are to be sentenced to Stillwater, section 640.30 gives the judge certain further discretion. The department of social security has power at any time to transfer prisoners from one place to another. 1940 OAG 43, April 4, 1939 (341k).

### 640.31 COMPENSATION PAID TO PRISONERS.

HISTORY. 1874 c. 17 ss. 2, 4; G.S. 1878 c. 120 ss. 87, 89; 1889 c. 254 s. 9; 1909 c. 304 s. 1; G.S. 1913 s. 9320; G.S. 1923 s. 10820; M.S. 1927 s. 10820; 1943 c. 430 s. 1.

### 640.32 MONEYS, HOW USED; FORFEITURE.

HISTORY. 1874 c. 17 ss. 3, 5, 7, 8; G.S. 1878 c. 120 ss. 88, 90, 92, 93; 1889 c. 254 s. 9; 1909 c. 304 s. 2; G.S. 1913 s. 9321; G.S. 1923 s. 10821; M.S. 1927 s. 10821; 1943 c. 430 s. 2.

Under certain circumstances prisoners may purchase land. OAG May 19, 1936 (342b).

### 640.33 PAY OF GUARDS.

HISTORY. 1917 c. 422 s. 1; G.S. 1923 s. 10822; M.S. 1927 s. 10822.

See as to minimum wage law. *Miller v Minimum Wage Commission*, 145 M 262, 177 NW 341.

## STATE REFORMATORY

### 640.34 LOCATION AND MANAGEMENT.

HISTORY. 1887 c. 208 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; G.S. 1894 s. 3581; R.L. 1905 s. 5453; G.S. 1913 s. 9322; G.S. 1923 s. 10823; M.S. 1927 s. 10823; 1945 c. 565 s. 4.

Youth correction act. 28 MLR 300.

### 640.35 INDETERMINATE SENTENCE.

HISTORY. 1887 c. 208 ss. 9 to 11; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1891 c. 113 s. 1; 1893 c. 9 s. 1; G.S. 1894 ss. 3589 to 3591, 7507; R.L. 1905 s. 5454; G.S. 1913 s. 9323; G.S. 1923 s. 10824; M.S. 1927 s. 10824; 1939 c. 383; 1939 c. 431 art. 7 s. 6; M. Supp. s. 10824; 1945 c. 454 s. 1.

*State v Wolfer*, 119 M 368, 138 NW 315, Section 640.30.

# MINNESOTA STATUTES 1945 ANNOTATIONS

4399

STATE PRISON AND REFORMATORIES 640.45

A boy 12 and under 16 years of age, convicted of the crime of murder in the third degree, may be sentenced to the state prison. *State v Olson*, 156 M 181, 194 NW 942.

The superintendent of a reformatory must accept a prisoner though the sentence to that institution is contrary to law. OAG Feb. 6, 1933.

When the trial judge in sentencing the prisoner suggests that he be given credit for time spent in jail, the superintendent may give such credit. OAG April 12, 1934 (341k-10).

SEE: 1940 OAG 43, April 4, 1939 (341k); see note section 640.30.

## 640.36 TRANSFER OF PRISONERS.

HISTORY. 1887 c. 208 s. 14; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1889 c. 256 ss. 1, 2; 1893 c. 9 s. 1; G.S. 1894 ss. 3594, 3600, 7507; R.L. 1905 s. 5455; 1911 c. 61 s. 1; G.S. 1913 s. 9324; 1917 c. 237 s. 1; G.S. 1923 s. 10825; M.S. 1927 s. 10825.

*State v Wolfer*, 119 M 368, 138 NW 315; *State v Olson*, 156 M 181, 194 NW 942.

## 640.37 REGISTER OF CONVICTS.

HISTORY. 1887 c. 208 s. 15; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1893 c. 9 s. 1; G.S. 1894 ss. 3595, 7507; R.L. 1905 s. 5456; G.S. 1913 s. 9326; G.S. 1923 s. 10827; M.S. 1927 s. 10827.

## 640.38 RECORD OF CONDUCT; RELEASE; CITIZENSHIP.

HISTORY. 1887 c. 208 s. 16; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; G.S. 1894 s. 3596; 1899 c. 130; R.L. 1905 s. 5457; G.S. 1913 s. 9327; G.S. 1923 s. 10828; M.S. 1927 s. 10828.

## 640.39 INSTRUCTION IN TRADES; CONTRACT SYSTEM PROHIBITED.

HISTORY. 1887 c. 208 s. 18; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1891 c. 112 s. 1; G.S. 1894 s. 3598; R.L. 1905 s. 5458; G.S. 1913 s. 9328; G.S. 1923 s. 10829; M.S. 1927 s. 10829.

## 640.40 CRUSHING ROCK FOR ROADS.

HISTORY. 1909 c. 229 s. 1; G.S. 1913 s. 9329; G.S. 1923 s. 10830; M.S. 1927 s. 10830.

## 640.41 EXCESS CRUSHED ROCK FROM REFORMATORY TO BE SOLD.

HISTORY. 1909 c. 229 s. 2; G.S. 1913 s. 9330; 1919 c. 225 s. 1; G.S. 1923 s. 10831; M.S. 1927 s. 10831.

## 640.42 AID FOR PRISONER OR HIS FAMILY.

HISTORY. 1887 c. 208 s. 19; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 53; 1889 c. 257 s. 1; G.S. 1894 s. 3595; R.L. 1905 s. 5459; G.S. 1913 s. 9331; G.S. 1923 s. 10832; M.S. 1927 s. 10832.

## 640.43 SALARIES.

HISTORY. 1935 c. 183 s. 2; M. Supp. s. 10834-1.

## EMPLOYMENT IN CONSERVATION WORK

### 640.44 CONVICTS TO DO CONSERVATION WORK.

HISTORY. 1935 c. 297 s. 1; M. Supp. 10846-11.

### 640.45 DIRECTOR OF PUBLIC INSTITUTIONS MAY ACQUIRE LAND.

HISTORY. 1935 c. 297 s. 2; M. Supp. s. 10846-12.

**640.46 MAY EXPEND MONEYS.**

HISTORY. 1935 c. 297 s. 3; M. Supp. s. 10846-13.

**640.47 WARDEN TO MAKE SELECTION.**

HISTORY. 1935 c. 297 s. 4; M. Supp. s. 10846-14.

**640.48 RESCUES AND ESCAPES.**

HISTORY. 1935 c. 297 s. 5; M. Supp. 10846-15.

REFORMATORY FOR WOMEN

**640.49 STATE REFORMATORY FOR WOMEN ESTABLISHED.**

HISTORY. 1915 c. 324 s. 1; 1921 c. 29 s. 1; G.S. 1923 s. 10839; M.S. 1927 s. 10839; 1937 c. 75 s. 1; M. Supp. s. 10839.

Prisoners sentenced to a term of less than a year, but for a gross misdemeanor may be accepted. OAG March 20, 1936 (341k-8).

**640.50 TRANSFER OF WOMEN CONVICTS.**

HISTORY. 1919 c. 106 s. 1; G.S. 1923 s. 10835; M.S. 1927 s. 10835.

**640.51 FINANCIAL AND GENERAL CONTROL.**

HISTORY. 1915 c. 324 s. 2; G.S. 1923 s. 10843; M.S. 1927 s. 10843.

GENERAL PROVISIONS

**640.52 EXPENSES OF SHERIFF IN CONVEYING CONVICTS.**

HISTORY. 1858 c. 34 s. 45; P.S. 1858 c. 119 s. 82; 1863 c. 6 s. 46; G.S. 1866 c. 120 s. 70; 1870 c. 39 s. 1; G.S. 1878 c. 120 s. 73; 1889 c. 254 s. 29; 1893 c. 9 s. 2; G.S. 1894 ss. 7477, 7508; 1909 c. 70 s. 1; G.S. 1913 s. 9325; G.S. 1923 s. 10826; M.S. 1927 s. 10826; 1945 c. 327 s. 1.

Laws 1933, Chapter 13, does not affect the officers mentioned in section 640.52. 1934 OAG 222, March 13, 1933 (121c-4).

Laws 1933, Chapter 13, affects only those officers covered by the act and permits a travel allowance of five cents per mile where such officers use their own automobiles. 1934 OAG 758, March 10, 1933 (390a-12).

Section 640.52 provides for transporting prisoners to the state prison and state reformatories at the expense of the state. The provision does not include the transportation to the state training school, and that expense must be borne by the county. 1938 OAG 363, April 16, 1937 (345d).

**640.53 DIMINUTION OF SENTENCE.**

HISTORY. 1867 c. 14 s. 1; G.S. 1878 c. 120 s. 85; Ex. 1881 c. 16; G.S. 1878 Vol. 2 (1888 Supp.) c. 120 s. 85; 1893 c. 9 s. 5; G.S. 1894 s. 7511; R.L. 1905 s. 5445; 1907 c. 206 s. 1; G.S. 1913 s. 9309; G.S. 1923 s. 10808; 1927 c. 232; M.S. 1927 s. 10808.

A prisoner sentenced to state prison for life, whose sentence is commuted to one of a term of years, is entitled to diminution of that sentence by reason of good conduct, commencing on the day of his arrival in prison, and not from the time of the commutation. State ex rel v Wolfer, 127 M 102, 148 NW 896.

Prisoners may be released at any time of year by reason of good conduct. Laws 1933, Chapter 329, suggesting release of prisoners between March and November is not mandatory. OAG Aug. 25, 1933.

**640.54 BARTER AND EXCHANGE OF PRISON-MADE GOODS PROHIBITED.**

HISTORY. 1937 c. 444 s. 1; M. Supp. s. 10846-21.

**640.56 DISCHARGE FROM REFORMATORY; CLOTHING; MONEY.**

HISTORY. 1917 c. 159 s. 1; G.S. 1923 s. 10838; M.S. 1927 s. 10838; 1943 c. 430 s. 3.