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STATE PRISON AND REFORMATORIES 640.32

INCARCERATION

CHAPTER 640

STATE PRISON AND REFORMATORIES

STATE PRISON

640.02 REVOLVING FUND CREATED.

The only persons who can be confined in the state prison, the state reformatory for women, or the state reformatory for men, are persons who have been convicted of crime. OAG Jan. 16, 1945 (88-A-26).

Any expenses incurred in the capture of an escaped inmate may not be deducted from the inmate's moneys. OAG March 4, 1946 (88-A-27-F).

640.10 COMMITMENT PAPERS; DUTY OF CLERK AND OFFICER.

Commitment papers should contain a transcript, or such synopsis of the testimony as the court orders. OAG Jan. 9, 1947 (342).

640.12 UNITED STATES CONVICTS.

Bill for boarding federal prisoners must be submitted by the sheriff to the county board and passed upon by the board, and the bill as allowed is paid by issuance of county warrant in the usual manner of paying bills. OAG Oct. 14, 1932 (97).

Confinement of federal prisoners in state institution. 18 USCA, s. 753b.

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

Fatal injury sustained by employee at state institution resulting from accidental discharge of shotgun while he was shooting pigeons infesting grounds of the institution arose out of and in the course of his employment. Such employee in using such shotgun within the grounds did not violate section 640.16. *Salisbury v State*, 220 M 517, 20 NW(2d) 350.

640.19 REWARD FOR ESCAPED CONVICT.

Unless a reward is offered, none can be paid. OAG May 24, 1946 (47-B).

640.24 SALE OF BINDING TWINE.

The binder twine factory and sales agency at the state prison is a governmental function, not a private enterprise. In re *Western Implement Co.* 166 F. 576.

640.26 NUMBER EMPLOYED IN ONE INDUSTRY.

Those in control of the business policy of the state prison may contract with persons having contract with the federal government, to furnish or permit the employment of inmates, but not in excess of ten per cent of the prisoners confined may be so engaged. OAG March 6, 1942 (270-J).

640.32 MONEYS, HOW USED; FORFEITURE.

If at the time of his release funds standing to his credit are less than \$125, the difference is made up out of the current expense fund. "Funds standing to the

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credit of a prisoner on leaving the institution" refers to funds created and made up of the prisoner's earnings. OAG July 28, 1943 (91-c-1).

640.33 PAY OF GUARDS.

Relating to powers of minimum wage commission. *Miller v Minimum Wage Commission*, 145 M 262, 177 NW 341.

STATE REFORMATORY

640.34 LOCATION AND MANAGEMENT.

Amended by L. 1947, c. 80, s. 1.

The director of public institutions is not authorized to place feeble-minded persons in his care in any penal institution. OAG Jan. 16, 1945 (88a.26).

Hospital or medical bills incurred by persons at liberty on parole are not chargeable to the institutions from which they are paroled. OAG Oct. 28, 1946 (91-H).

Youth conservation act, L. 1947, c. 595, coded as MSA, section 260.125.

640.35 INDETERMINATE SENTENCE.

The trial court may impose a maximum sentence which is less than the minimum prescribed by law, notwithstanding the provisions of L. 1945, c. 454. OAG June 13, 1945 (341-K-5):

A boy while on parole from the state training school at Red Wing committed a second degree assault and was found guilty. If he was 16 years of age or older he could be sent to the St. Cloud reformatory, but if under 16 he must be sent back to Red Wing. OAG Feb. 8, 1946 (341-K-8).

640.36 TRANSFER OF PRISONERS.

R. L. 1905, s. 5455, amended by L. 1911, c. 61, (and now coded as section 640.36), authorizing the board of control to transfer prisoners from the reformatory to the state prison, and vice versa, is not unconditional, as constituting a legislative attempt to vest administrative officers with judicial functions. *State ex rel v Wolfer*, 119 M 368, 138 NW 315.

Under the present statute (June 22, 1923) a boy over 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.

EMPLOYMENT IN CONSERVATION WORK

640.45 DIRECTOR OF PUBLIC INSTITUTIONS MAY ACQUIRE LAND.

Land held in trust for its benefit may be cultivated by a state reformatory, through services of its inmates. OAG May 1, 1942 (88-A-2).

640.53 DIMINUTION OF SENTENCE.

Sentences to the St. Cloud reformatory for less than one year, under the provisions of section 610.17 were erroneous, and the warden is advised to construe such sentences as maximum sentences subject to diminution as provided in section 640.53. OAG Feb. 8, 1946 (341-K-2).

640.54 BARTER AND EXCHANGE OF PRISON-MADE GOODS PROHIBITED.

Power of Congress to divest goods of their interstate character; convict-made goods. 21 MLR 94, 742.

Comment on effect of L. 1937, c. 444, s. 1. 22 MLR 241 (note).