

Incarceration

CHAPTER 640

STATE PRISON AND REFORMATORIES

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STATE PRISON

640.01 LOCATION, MANAGEMENT. The state prison shall be continued at its present site in Stillwater for the confinement and reformation of convicts and be under the general management of the commissioner of public welfare.

[*R. L. s. 5432; 1939 c. 431 art. 7 s. 3 (10787)*]

640.02 REVOLVING FUND CREATED. There is hereby created a state prison revolving fund available for the purpose of carrying on all industrial enterprises which heretofore have been or hereafter may be authorized by law to be carried on at the state prison at Stillwater.

[*1909 c. 151 s. 1 (10790)*]

640.03 SOURCES OF FUND. The revolving fund shall consist of the \$150,000 appropriated as available for the manufacture of binding twine at the prison, in and by General Laws 1891, Chapter 163, together with all net earnings or net profits of the manufacture of binding twine at the prison which have accrued since the enactment of such chapter and which have meanwhile been added to the original appropriation, which additions thereto are hereby legalized, and all the future net earnings or net profits of any and all industries carried on at the state prison under authority of law and as now or hereafter authorized by law.

[*1909 c. 151 s. 2 (10791)*]

640.04 USE OF FUND. The fund shall be used for the purchase of raw materials, payment of salaries and wages, and other expenses necessary and proper in the conduct of such industrial enterprises, authorized by law, and for such other purposes, or be devoted to such other uses, as may hereafter be by law duly authorized.

[*1909 c. 151 s. 3 (10792)*]

640.05 DISBURSEMENT FROM FUND. The fund shall be deposited in the state treasury and paid out only on such proper vouchers as may be authorized and approved by the commissioner of public welfare, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by the commissioner. The commissioner of public welfare is hereby authorized to keep and maintain at the prison a contingent fund, as provided in section 246.21; but such contingent fund shall be at all times covered and protected by a proper and sufficient bond to be duly approved as by law now provided.

[1909 c. 151 s. 4] (10793)

640.06 REVOLVING FUND; BORROWING. The commissioner of public welfare and the warden of the state prison are authorized, when in their judgment it becomes necessary in order to meet current demands on the revolving fund of the state prison, to borrow such sums of money as may be necessary. The sums so borrowed shall not exceed, in any one year, 75 per cent of the total of the revolving fund of the prison.

[1905 c. 135; 1907 c. 266 s. 1] (10788)

640.07 PRISON FUNDS. When the commissioner of public welfare and the warden of the state prison shall certify to the state auditor and the state treasurer that, in their judgment, it is necessary to borrow a specified sum of money in order to meet the current demands on the revolving fund of the state prison, the state treasurer and the state auditor may, in their discretion, transfer and credit to the revolving fund, from any moneys in the state treasury not required for immediate disbursement, the whole or such part of the amount so certified as they deem advisable, which sum so transferred shall be repaid by the commissioner from the revolving fund to the fund from which the same was transferred, at such time as shall be specified by the state treasurer and the state auditor, together with interest thereon at such rate as shall be specified by the state auditor and the state treasurer, not exceeding four per cent per annum. When any transfer shall so have been made to the revolving fund of the state prison, the state treasurer and the state auditor shall notify the commissioner of public welfare and the warden of the state prison of the amount so transferred to the credit of the revolving fund, the date when the same is to be repaid, and the rate of interest so to be paid.

[1919 c. 25 s. 1] (10789)

640.08 CONTRACTORS NOT TO BE EMPLOYED; EMPLOYEES MAY NOT ACCEPT GIFTS. No prison contractor or his agent or employee, and no person, directly or indirectly, interested in any business carried on therein, shall hold office or employment in the prison; nor shall any officer or employee therein be, directly or indirectly, interested in any contract, purchase, or sale for or on account of the prison, or receive any compensation for services performed for or on behalf of any contractor, or for his services other than that prescribed by law. No official or employee shall receive any gift from a prisoner therein, or any money or other consideration for services rendered or to be rendered to him. Every contractor, his agent or employee, violating any provision of this section, shall be thereafter barred from obtaining any contract for labor in the prison, and every officer or employee violating the same shall be discharged, and thereafter disqualified from holding any position therein.

[R. L. s. 5433] (10794)

640.09 VISITORS; FEES. The commissioner of public welfare, the governor, lieutenant governor, members of the legislature, state officers, and regularly authorized ministers of the gospel, may visit the prisoners at pleasure, but no other persons without special permission of the warden, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under such rules and regulations as the commissioner may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the institution.

[R. L. s. 5434; 1909 c. 241 s. 1] (10795)

640.10 COMMITMENT PAPERS; DUTY OF CLERK AND OFFICER. The clerk of every court by which a convict shall be sentenced to the state prison or the state reformatory shall furnish the officer or person having such convict in charge a record containing a copy of the indictment and plea, the name and resi-

dence of the judge presiding, of the prosecuting officer, of the convict's attorney, of the jurors, and of the witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, and the sentence, with the date thereof, together with the convict's statement under oath, if obtainable from him, as to his true name, his residence, if any, the date and place of his birth, the names and addresses of his parents and other relatives and of persons by whom he has been employed or is well known, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time he has resided in each, with the dates thereof, his citizenship, the number, dates, places and causes of prior arrests, and the event thereof, and, in cases in which the convict pleads guilty, his detailed account of the facts indicating his guilt; to which shall be attached, in all cases, the impressions of the trial judge as to the mental and physical condition of the convict, his general character, capacity, disposition, habits and special needs; which record, duly certified by such clerk under his official seal, may be used as evidence against such convict in any proceeding for release taken by habeas corpus. The synopsis above referred to shall be furnished by the stenographer acting on the trial and, in case there is none, by the county attorney. The clerk shall also deliver to the sheriff or other officer or person conveying the convict to the state prison, state reformatory, or other place of confinement specified therein, a certified commitment directing him to deliver the convict and the copy of record to the principal officer in charge of the prison or reformatory, and take his receipt therefor.

[R. L. s. 5436; 1911 c. 228 s. 1] (10797)

640.11 PAYMENT OF STENOGRAPHER. When such synopsis of testimony is furnished by the stenographer acting on the trial he shall be paid therefor by the county, on certificates duly certified to by the judge presiding at the trial, and filed with the county auditor, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings.

[1911 c. 228 s. 2] (10798)

640.12 UNITED STATES CONVICTS. Every convict duly committed to the prison by authority of the United States shall be received, maintained, and disciplined in compliance with his sentence, in the same manner as other prisoners therein, upon payment made by the United States of 40 cents per day, the cost of all discharge clothing furnished, the expense of every additional guard required, and \$1.00 per month for the use of the convict.

[R. L. s. 5437] (10799)

640.13 DISCIPLINE. If any convict shall offer violence to any officer, guard, or any other person or convict, he may defend himself in any manner and by any means which may appear to be necessary under the circumstances. If any such convict shall attempt to injure the buildings or appurtenances, or to resist the lawful authority of any officer or guard, or shall refuse to obey his reasonable demands, such officer or guard may enforce obedience and discipline in such manner as may appear necessary; and, if in so doing, any convict so resisting lawful authority shall be necessarily wounded or killed by such officer, guard, or assistants, he shall be held justified.

[R. L. s. 5438] (10800)

640.14 SEPARATE CELLS. When there are cells sufficient, each convict shall be confined in a separate cell.

[R. L. s. 5439] (10801)

640.15 INTOXICATING LIQUORS. No spirituous or fermented liquors shall be brought into or upon the grounds of the prison, under any pretense, except by direction of the prison physician.

[R. L. s. 5440] (10802)

640.16 FIREARMS, EXPLOSIVES, INTOXICANTS, OPIUM, FORBIDDEN; PENALTY. Any person who brings, sends, or in any manner causes to be introduced into the state prison or the state reformatory or any other state institution, or within or upon the grounds belonging to any such institution, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, or any firearms, weapons, or explosives of any kind, without the consent of the commissioner of public welfare, shall be guilty of a felony; and, upon conviction thereof, punished by imprisonment in the state prison for a term of not less than three, nor more than five, years; provided, that the provisions of this section shall

not apply to physicians carrying drugs into such institutions for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of their duties.

[1913 c. 196 s. 1; 1915 c. 241 s. 1; 1923 c. 391 s. 1] (10803)

640.17 CONVICTS MAY COMMUNICATE WITH WARDEN OR COMMISSIONER. Every convict may communicate, in writing, with the warden and the commissioner of public welfare, under regulations prescribed by the commissioner for that purpose.

[R. L. s. 5441] (10804)

640.18 CONTAGIOUS DISEASE; REMOVAL OF CONVICTS. In case of an epidemic of any infectious or contagious disease in the state prison, whereby the health or lives of the prisoners may be endangered, the warden, with the approval of the commissioner of public welfare, may cause the prisoners so affected to be removed to some other secure and suitable place or places for care and treatment; and, should the prison be destroyed, in whole or in part, by fire or other casualty so as to become unsuitable for proper detention and custody of the convicts, the warden, with the approval of the commissioner, may remove them, or any number thereof, to such other safe and appropriate place as may be provided.

[R. L. s. 5442] (10805)

640.19 REWARD FOR ESCAPED CONVICT. Upon the escape of a convict from the state prison or the reformatory, the warden or superintendent, as the case may be, shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than \$25 and, with the approval of the commissioner of public welfare, a further sum not exceeding \$100, to be paid from the state treasury; provided, that such warden or superintendent, as the case may be, shall himself pay such reward if the escape is due to his negligence or that of any officer under him.

[R. L. s. 5443] (10806)

640.20 COMMUNICATION WITH CONVICTS. No person, without the consent of the warden, shall bring into or carry out of the state prison any writing or any information to or from any convict. Every violation of this provision shall be a misdemeanor, and punished accordingly. On discovery, such person may be arrested by any prison officer without warrant.

[R. L. s. 5444] (10807)

640.21 VOCATION OF CONVICT; EXAMINATION BY COURT. Every court, before imposing a state prison or reformatory sentence, shall ascertain by examination of the convict, on oath, and such other evidence as can be obtained, the business, if any, followed by him before his arrest, whether he had learned and practiced any mechanical trade, and, if so, the nature thereof, and length of time followed. The clerk shall enter upon the minutes the facts so ascertained by the court, and deliver a certificate thereof to the sheriff of the county and other proper officer, who shall cause the same to be delivered to the warden, superintendent, or other chief officer of the state prison or reformatory at the time of the commitment. Every person committed to such institution shall be regularly employed at, and compelled to perform a reasonable amount of hard labor in, some industrial work, unless exempted on account of sickness or other disability.

[R. L. s. 5446] (10809)

640.22 NO CONTRACT LABOR; TOOLS AND MACHINERY. No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under regulations established by the commissioner of public welfare, in such industries as shall, from time to time, be fixed upon by the officers in charge and the commissioner, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of the commissioner, shall purchase such tools, implements, and machinery as he shall deem necessary for the work.

[R. L. s. 5447] (10810)

640.23 SELLING OF LABOR OF CONVICTS PROHIBITED. It shall be unlawful for the commissioner of public welfare, or the warden of the state prison, or any person exercising control of or supervision over any convict sentenced to and

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confined in the state prison to enter into any contract or agreement, or any arrangement, whereby the labor or service of the convict is either sold or leased or otherwise disposed of for hire to any person or to any party.

[1909 c. 481 s. 1] (10811)

640.24 SALE OF BINDER TWINE. The price of binder twine manufactured at the state prison shall be fixed by the warden and the commissioner of public welfare not later than May first, each year. The commissioner of public welfare, in his discretion, may agree to allow to purchasers of binder twine, uniform discounts from the price so fixed, on condition payment for twine purchased is made by the purchaser at the time agreed upon for such payment. Such twine shall be sold to actual consumers in quantities needed for their use, and to dealers within the state under such rules and regulations as may be provided by the commissioner of public welfare, for cash or on terms with such security as may be required and approved by the warden. Dealers desiring to purchase such twine shall enter into a written agreement with the state to sell the twine in keeping with rules and regulations established by the warden and the commissioner of public welfare. Such agreement shall provide that when such twine is sold for cash it shall be at a price not greater than one cent per pound above the purchase price and freight from the prison to the station where such twine is sold, and when such twine is sold on time, at a price not greater than one and a half cents per pound above the purchase price and freight, as hereinbefore prescribed.

The commissioner of public welfare shall cause to be held in reserve at the prison until March first of each year 1,500,000 pounds of twine for the purpose of filling club and cash orders received from consumers, and thereafter until July first of each year the commissioner of public welfare shall reduce such reserve to 500,000 pounds, after which date all twine shall be sold. The state shall retain a contingent interest in twine so sold, and if any dealer shall violate his agreement, the commissioner of public welfare may declare such twine forfeited to the state and retake possession thereof. Every dealer purchasing such twine shall keep it separate from other twine and keep a correct record of all his sales, showing the date, amount, price, and name and post-office address of purchaser, which shall be open to the inspection of the warden, commissioner of public welfare, and the proper county attorney. Every dealer who shall violate the terms of the written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor.

When, in the opinion of the commissioner of public welfare and the warden of the prison, the best interests of the state require such action, such binder twine may be sold to dealers or consumers without the state in conformity with federal and individual state laws governing the sale of binder twine.

[R. L. s. 5448; 1907 c. 74; 1913 c. 334 s. 1; 1941 c. 168] (10812)

640.25 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR BINDING TWINE. When the State of Minnesota shall have heretofore or shall hereafter acquire title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, binding twine, or other articles manufactured or improved at the state prison, the same may be sold by the governor to such persons and for such price as shall be recommended by the warden of the state prison, and the governor is hereby authorized to execute, in the name of the state and in its behalf, any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser, and the proceeds of the sale shall be paid into the state treasury to the credit of the appropriate prison fund.

[1917 c. 58 s. 1] (10813)

640.26 NUMBER EMPLOYED IN ONE INDUSTRY. The number of prisoners employed in a single industry at the same time at either the state prison or the state reformatory shall not exceed ten per cent of the total number of men engaged in such industry in this state unless a greater number is necessary to produce materials or articles to be supplied to the state or to any agency or governmental subdivision thereof. The number employed in any such industry shall be determined by a commission of three to consist of the chairman of the Minnesota industrial commission, who shall be chairman, the commissioner of public welfare, and a citizen of the state engaged or interested in some manufacturing industry not connected with the state prison or reformatory, to be appointed by the governor. This section shall not apply to the number of prisoners employed in the

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manufacture of binding twine in the state prison, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the state reformatory, nor shall it apply to the number of prisoners hereafter employed in the manufacture of farm machinery and implements at the state prison, nor shall it apply to the number of prisoners hereafter employed at the state prison in any industry not now carried on in this state and which may be hereafter inaugurated at the state prison.

[R. L. s. 5449; 1907 c. 71 s. 1; 1941 c. 334] (10814)

640.265 PRISONERS MAY BE EMPLOYED IN CERTAIN ROAD WORK.

With the approval of the commissioner of public welfare, the warden of the state prison may furnish the labor of prisoners in the prison and the use of such tools and equipment as may be available to the town of Baytown in Washington county, without charge, for repairing and maintaining county and town roads in the town of Baytown adjacent or leading to the state prison and prison farm land; the amount of such labor and use of equipment to be commensurate with the use of the roads for state prison purposes, as the warden may determine.

[1941 c. 235]

640.27 MACHINERY MANUFACTURE; STATE PRISON. The commissioner of public welfare is hereby authorized, empowered, and directed to establish, construct, equip, maintain, and operate, at the state prison, a factory for the manufacture of hay rakes, hay loaders, mowers, grain harvesters, and binders, windrowers and four wheel farm trailers, corn harvesters and binders and corn cultivators, and the extra parts thereof, and, if the commissioner deems it advisable, cultivators of all kinds, culti-packers, manure spreaders, ploughs, rotary hoes, and the extra parts thereof, and rope and ply goods of all kinds, and for that purpose to employ, and make use of the labor of prisoners kept in the prison, at any time available therefor and as largely as may be, and such, but only such, skilled laborers as, in the judgment of the commissioner and the warden of the state prison, may be necessary for the feasible and successful and profitable employment of the prisoners therein therefor, and for the purposes of, and to give full effect to sections 640.27 and 640.28, the commissioner may use all of, or any part of, not exceeding \$250,000 of the existing state prison revolving fund created by and existing under sections 640.02 to 640.05; provided, the commissioner and the warden of the prison shall, at all times, in the line of manufacturing herein authorized and directed, employ and make use of prison labor to the largest extent feasible.

The commissioner and the warden of the prison are hereby authorized, directed, and instructed to establish in and throughout all parts of this state where there is use and demand for such manufactured products as are referred to herein, and binding twines, and ropes and ply goods of all kinds, local selling agencies therefor, and to contract with such agencies to furnish thereto for the local sale thereof, the farm machinery the manufacture of which is authorized by section 640.27 and 640.28, at prices to be fixed by the warden and the commissioner of public welfare, and the local agencies so contracted with are hereby authorized, in the re-sale thereof to their actual customers therefor, to charge advance prices equaling 20 percent of the prices charged them for the machines, plus actual freight charges, but not a greater profit thereon, and the contracts entered into with these agencies shall be so worded as to obligate them to be diligent in the prosecution of the sales of the machines to the customers therefor.

[1907 c. 49 s. 1; 1913 c. 144 s. 1; 1923 c. 294 s. 1; 1927 c. 172 s. 1; 1929 c. 348 s. 1; 1953 c. 394 s. 1] (10815)

640.28 SALE OF MACHINES. Except as provided otherwise, the commissioner of public welfare shall cause the machines and extras manufactured at such factory to be sold under and pursuant to such rules and regulations as the commissioner shall make, from time to time, for the sale thereof and sold for cash or security approved by the warden.

[1907 c. 49 s. 2; 1923 c. 294 s. 2] (10816)

640.29 HABITUAL DRINKERS. No person shall be appointed as an officer or employee of any state prison or state reformatory who is in the habit of using intoxicating liquors and a single act of intoxication shall justify a removal or discharge.

[R. L. s. 5450] (10817)

640.30 SENTENCE ON REFORMATORY PLAN. When any person not less than 17, nor more than 30, years old, who has never been sentenced to a state prison or reformatory, is convicted of an offense punishable by imprisonment in the state prison, the court, in its discretion, may sentence him to the state prison in like manner and on like conditions as are provided for sentence to the reformatory, designating the sentence to be upon the reformatory plan; and, in such cases, paroles and releases shall be granted upon the same terms and conditions as from the reformatory.

[R. L. s. 5451] (10818)

640.31 COMPENSATION PAID TO PRISONERS. The commissioner of public welfare is authorized and empowered to provide for the payment to prisoners confined in the state prison or in the state reformatory for men, and the state reformatory for women of such pecuniary compensation as he may deem proper, such payment to be for first grade prisoners not less than 15 cents nor more than 60 cents per day for each day worked, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of public welfare and the warden or superintendent, provided that such prisoners who because of illness or physical disability cannot work may be paid not to exceed 15 cents per day. Compensation to second and third grade prisoners shall be in such amounts as the warden or superintendent shall determine with the approval of the commissioner of public welfare. Such earnings shall be paid out of the fund provided for the carrying on of the work in which the prisoner is engaged when employed on state account, or from the current expense fund of the institution as the commissioner of public welfare shall determine.

[1909 c. 304 s. 1; 1943 c. 430 s. 1] (10820)

640.32 MONEYS, HOW USED; FORFEITURE. Subdivision 1. **Sole benefit of prisoners.** Any money arising under section 640.31 shall be and remain under the control of the commissioner of public welfare, and shall be for the sole benefit of the prisoner, unless by special order of the commissioner of public welfare 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 commissioner of public welfare 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.** If the fund standing to the credit of the prisoner on his leaving the institution by discharge or on parole be less than \$25, 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.

[1909 c. 304 s. 2; 1943 c. 430 s. 2] (10821)

640.33 PAY OF GUARDS. Guards employed at the state prison and the state reformatory shall not be required to work to exceed ten hours per day, except in cases of extraordinary emergency or necessity.

[1917 c. 422 s. 1] (10822)

STATE REFORMATORY

640.34 SITE; MANAGEMENT. The state reformatory shall be continued at its present site, in Sherburne county, and be under the general management of the commissioner of public welfare.

[R L s 5453; 1945 c 565 s 4; 1947 c 80 s 1; 1949 c 127 s 1; 1951 c 292 s 1; 1953 c 255 s 1] (10823)

640.35 INDETERMINATE SENTENCE. Subdivision 1. Any male person not less than 16 years of age and not more than 18 years of age may and any male person of more than 18 years of age and not more than 25 years of age shall, and any male person over 25 years of age, who has never before been sentenced to a state prison or reformatory or a federal penitentiary, convicted of a felony other than murder in the first or second degree, may, when the court shall decide that a sentence to a state penal institution is the proper punishment, be sentenced to the

state reformatory for men, which sentence shall be for an indeterminate term, except that the court may fix the maximum term. Except as hereinbefore provided all male persons convicted of a felony whom the court shall sentence to a state penal institution shall be sentenced to the state prison at Stillwater. The commitment to the reformatory and accompanying papers shall be the same as upon a sentence to the state prison. Imprisonment shall not exceed the maximum term, fixed by the court or by the law if the court does not fix the maximum.

Subd. 2. Any male person of the age of 18 years or more who shall commit a felony while on parole from the state training school for boys at Red Wing or shall commit a felony after he has left said institution without authority shall be tried for such offense and if he is convicted or his sentence suspended he shall not be returned to said state training school. The sentence, if any, imposed upon such person and not suspended shall be served for such time and at such institution as would be by law required if he were not a minor. If his sentence is suspended, the law applicable to the suspension of the sentence of adults shall be applied to the sentence of such person.

Subd. 3. Nothing in this section shall affect the right of the commissioner of public welfare to transfer prisoners from one penal institution to another after their commitment as herein provided.

[R. L. s. 5454; 1911 c. 251 s. 1; 1939 c. 383 s. 1; 1939 c. 431 art. 7 s. 6; 1945 c. 454 s. 1] (10824)

640.36 TRANSFER OF PRISONERS. The commissioner of public welfare may transfer from the reformatory to the state prison, and from the state prison to the reformatory, when, in his judgment, such transfer will be advantageous to the person transferred, or to the institution from which such transfer is made. The commissioner shall make all needful rules for the employment, discipline, instruction, removal, release, or return of inmates of such institution.

[R. L. s. 5455; 1911 c. 61 s. 1; 1917 c. 237 s. 1] (10825)

640.37 REGISTER OF CONVICTS. When any person is received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of his admission, his name, age, nativity, nationality, and such other facts as can be ascertained of his parentage, early social influences, and tendencies, and an estimate of his present condition and of the best probable plan of treatment. At least once every three months, minutes shall also be made thereon of observed improvement or deterioration of character, methods of treatment employed, orders or charges affecting the standing of such convict, the circumstances of his final release, and such facts of his subsequent history as may be ascertained.

[R. L. s. 5456] (10827)

640.38 RECORD OF CONDUCT; RELEASE; CITIZENSHIP. Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and results accomplished, and be charged for derelictions, negligences, and offenses, under such uniform system of marks or other method as shall be prescribed by the commissioner of public welfare; and he shall be informed of his standing under such system each month, and be permitted during each month to converse with the commissioner. When the commissioner shall grant an absolute release, he shall certify the fact and the grounds therefor to the governor, who may, in his discretion, restore the person released to citizenship. No application for such release shall be entertained by the commissioner.

[R. L. s. 5457] (10828)

640.39 INSTRUCTION IN TRADES; CONTRACT SYSTEM PROHIBITED. The commissioner of public welfare shall cause the inmates to be instructed in trades or employments for which they seem best fitted. Contract labor is hereby prohibited in the reformatory, and no inmate thereof shall be required to labor at stonework more than eight hours per day.

[R. L. s. 5458] (10829)

640.40 CRUSHING ROCK FOR ROADS. The commissioner of public welfare is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the state at the state reformatory, and promptly proceed to cause the spalls and waste rock now on the grounds of the reformatory, and such spalls and waste rock as shall hereafter accumulate at the reformatory, to be suitably crushed for road-making purposes.

[1909 c. 229 s. 1] (10830)

640.41 EXCESS CRUSHED ROCK FROM REFORMATORY TO BE SOLD.

Such crushed rock, in excess of the needs of the reformatory for construction of buildings of the reformatory, and for the making of roads upon the grounds thereof, shall be sold by the commissioner of public welfare to the several counties of this state for use upon state roads. The same shall be so sold at such price as shall be agreed upon and fixed by agreement of the commissioner of public welfare and the commissioner of highways. The amount received by the commissioner shall be used for the maintenance and development of the rock-crushing industry at the institution.

[1909 c. 229 s. 2; 1919 c. 225 s. 1] (10831)

640.42 AID FOR PRISONER OR HIS FAMILY.

The commissioner of public welfare may make provision for such pecuniary assistance of prisoners on their discharge, or for the support of their families while in confinement, as may seem proper, by the allowance of moderate wages, to be paid from the current expense fund of the institution. The sum arising therefrom shall, until the prisoner's final discharge, be under the control of the superintendent, to be used for the benefit of such prisoner and his family; but, should any such person wilfully escape from the reformatory, or become a fugitive from justice, he shall thereby forfeit all earnings remaining under the control of the superintendent, and the same shall be placed in the inmates' benefit fund.

[R. L. s. 5459] (10832)

640.43 SALARIES. The salaries of officers and employees at the state reformatory are hereby placed upon the same salary schedule and basis of pay as that of officers and employees of the state prison, and the commissioner of public welfare is hereby authorized and directed so to do.

[1935 c. 183 s. 2] (10834-1)

EMPLOYMENT IN CONSERVATION WORK

640.44 CONVICTS TO DO CONSERVATION WORK.

The commissioner of public welfare is hereby authorized, within his discretion, to use selected convicts in work in the nature of general conservation, reforestation, soil erosion control, soil rehabilitation, and cultivation upon any land within the control of the director.

[1935 c. 297 s. 1] (10846-11)

640.45 COMMISSIONER OF PUBLIC WELFARE MAY ACQUIRE LAND.

To carry out the purposes of section 640.44, the commissioner of public welfare shall have power to acquire for specified periods of time, by agreement in writing, control of any land which is within the jurisdiction or control of any state department or agency, and any state department or agency having land under its jurisdiction or control is authorized, on agreed terms, to deliver control of such land to the commissioner for the purposes specified in section 640.44.

[1935 c. 297 s. 2] (10846-12)

640.46 MAY EXPEND MONEYS.

For the purposes of sections 640.44 to 640.48, the commissioner of public welfare may lawfully expend moneys from any of the following funds: The current expense appropriations of the state reformatory and the state prison; revolving funds at either of these institutions, including funds heretofore appropriated for building purposes for the state prison or the state reformatory; and the contingent fund appropriation of the commissioner of public welfare.

[1935 c. 297 s. 3] (10846-13)

640.47 WARDEN TO MAKE SELECTION.

When convicts may be required to be used in any work as provided for in sections 640.44 to 640.48, they shall be selected, with the approval of the commissioner of public welfare, by the warden of the state prison, or the superintendent of the state reformatory, in the following manner and order of preference:

(1) Suitable paroled convicts who are being detained awaiting private employment;

(2) Convicts who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the heads of the institutions, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in sections 640.44 to 640.48.

[1935 c. 297 s. 4] (10846-14)

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640.48 RESCUES AND ESCAPES. Any rescue or escape or attempted escape of or by a convict while without the confines of the state prison or the reformatory under the provisions of sections 640.44 to 640.48, shall be deemed a rescue or escape or attempted escape within the meaning of sections 613.26 to 613.34.

[1935 c. 297 s. 5] (10846-15)

REFORMATORY FOR WOMEN

640.49 ESTABLISHMENT. There is hereby created and established a separate institution for the care, training, and education of women, to be known as the state reformatory for women. Any woman over the age of 18 years, convicted of a felony, may be sentenced and committed to the state reformatory for women, which sentence shall be without limit as to time. The commitment and accompanying papers shall be the same as upon a sentence to the state reformatory for males. Such imprisonment shall not exceed the maximum term fixed by law or by the court, if the court has fixed the maximum term in passing sentence and may be terminated by the board of parole at any time after the expiration of the minimum term provided by law for the crime.

[1915 c. 324 s. 1; 1921 c. 29 s. 1; 1937, c. 75 s. 1] (10839)

640.50 TRANSFER OF WOMEN CONVICTS. Any female who shall be convicted of a crime, which crime, under the statutes prescribing the punishment for such crime and in force at the time the crime was committed, is punishable by imprisonment in the state prison, shall not be sentenced to imprisonment in the state prison, but shall be sentenced to imprisonment in the state reformatory for women and shall be imprisoned therein for the same term and upon the same conditions as provided by the statutes in force at the time the crime was committed with reference to imprisonment in the state prison.

[1919 c. 106 s. 1] (10835)

640.51 FINANCIAL CONTROL, GENERAL SUPERVISION. The financial control and general supervision of the state reformatory for women, hereby created and established, shall be, and hereby is, vested in the commissioner of public welfare, as now provided by law in respect to other state institutions; and the commissioner is hereby vested with power and authority to appoint a superintendent and such other officers and employees as the commissioner may deem necessary and proper for the due administration of the affairs of the reformatory for women, and may prescribe their duties and fix the compensation of the officers and employees other than the superintendent, subject to the provisions of sections 43.01 to 43.35; and the commissioner is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of the reformatory for women, and for the education, employment, and training, discipline and safekeeping of the inmates thereof as may be deemed by him to be expedient and proper; provided, that all officers of the reformatory shall be women. The commissioner may transfer inmates of the state reformatory for women on a temporary basis without commitment to a state hospital for diagnosis and treatment when, in his judgment, the same appears to be advisable for the proper care and treatment of such inmates.

[1915 c 324 s 5; 1949 c 259 s 1; 1951 c 713 s 36] (10843)

GENERAL PROVISIONS

640.52 SHERIFF, EXPENSES CONVEYING CONVICTS. The necessary expenses of sheriffs and other officers incurred in conveying convicts to the state prison or the state reformatory, including per diem and expenses of guards, shall be approved by the state auditor and paid out of the state treasury. The auditor may allow for such expenses the necessary expenses incurred by the sheriff or deputy in going to and returning from the state prison or the state reformatory and \$5 per day for each guard, and such sum as is necessary for railroad fare and actual traveling expenses. Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. In any county wherein the sheriff is paid upon a fee basis, he shall also receive \$5 for each day necessarily spent in conveying prisoners to the state prison or the state reformatory. All bills shall be rendered in writing, fully itemized, veri-

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fied, and accompanied by the receipt of the warden of the state prison or the superintendent of the state reformatory for the delivery of such convict or convicts, in a form prescribed by the state auditor.

[1909 c 70 s 1; 1945 c 327 s 1; 1951 c 339 s 3] (10826)

640.53 DIMINUTION OF SENTENCE. Every convict sentenced for any term other than life, whether confined in the state prison, the state reformatory, or the state reformatory for women, or on parole therefrom, may diminish the term of his sentence as follows:

(1) For each month, commencing on the day of his arrival, during which he has not violated any prison rule or discipline, and has labored with diligence and fidelity, five days;

(2) After one year of such conduct, seven days for each month;

(3) After two years of such conduct, nine days for each month;

(4) After three years, ten days for each month for the entire time thereafter.

The commissioner of public welfare, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. When a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the governor a certificate, under the seal of the state, as evidence of such restoration.

[R L s 5445; 1907 c 206 s 1; 1927 c 232 s 1] (10808)

640.54 BARTER AND EXCHANGE OF PRISON-MADE GOODS PROHIBITED.

No goods, wares, or merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institutions in this or any other state, shall be bartered, traded, or exchanged by such penal institutions for any other goods, wares, or merchandise of any kind for use in such penal institutions.

[1937 c. 444 s. 1] (10846-21)

640.55 [Repealed, 1943 c 430 s 4]

640.56 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.

[1917 c. 159 s. 1; 1943 c. 430 s. 3] (10838)