
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.**No. 673****Session of
1919.**

INTRODUCED BY MR. HICKERNELL, FEBRUARY 26, 1919.

**REFERRED TO COMMITTEE ON PUBLIC HEALTH AND SANI-
TATION, MARCH 3, 1919.**

AN ACT

To provide for the sterilization of inmates of institutions having the care and custody of idiotic imbecile feeble-minded and insane persons in cases where such sterilization will materially improve the mental or physical condition of such persons and in cases where owing to the idiocy imbecility insanity or feeble-mindedness of such persons not being in permanent custody procreation by such persons would produce offspring similarly affected

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *within ninety days after the first day of July one thou-*
5 *sand nine hundred seventeen the board of trustees mana-*
6 *gers or directors of each institution having the care and*
7 *custody of idiots imbeciles epileptics insane or feeble-minded*
8 *persons which institution is supported in whole or in part*
9 *by appropriations made for that purpose by the General*

1 Assembly shall constitute and appoint a commission to con-
2 sist of at least one competent neurologist and one sur-
3 geon of recognized ability who may be appointed from
4 the regular staff of such institution the duty of which
5 commission shall be to examine the mental and physical
6 condition of the inmates of such institution and the per-
7 sonal records and family traits and histories thereof and
8 to determine and report in writing to the board of trustees
9 managers or directors of said institution from time to
10 time

11 (a) In what if any cases the physical or mental con-
12 dition of an inmate will be materially benefited by ster-
13 ilization there being no probability that such condition of
14 the inmates can be otherwise improved and

15 (b) In what if any cases the condition of an in-
16 mate is such that by reason of his or her imbecility
17 idiocy insanity epilepsy or feeble-mindedness procreation by
18 the inmate would produce offspring similarly affected and
19 there is no probability that the condition of such inmate
20 will improve to such an extent as to render procreation
21 by said inmate advisable The said commission shall accom-
22 pany said reports with specific recommendations for the
23 sterilization of the inmates reported upon with the reasons
24 therefor and the method of sterilization recommended in
25 such case

26 Section 2 Upon the receipt of any such report and
27 accompanying recommendations the said board of trustees
28 managers or directors of said institution shall consider the
29 same and pass separately upon the case of each inmate

1 recommended for sterilization and if they approve any such
2 recommendation by an affirmative vote of not less than
3 three-fourths of the members of the board they shall re-
4 cord upon their minutes an order for the sterilization of
5 the inmate so recommended therefor specifying in each case
6 the manner in which the case shall be effected but the
7 sterilization of no inmate in permanent custody shall be
8 ordered unless it shall appear from the report of the
9 commission that the mental or physical condition of such
10 inmate will be materially benefited thereby and that such
11 condition cannot probably be otherwise improved The said
12 board of trustees managers or directors shall thereupon
13 present their petition to the court of common pleas of
14 the county wherein such institution shall be located recit-
15 ing the recommendations of said commission and the action
16 taken thereon by said board of trustees managers or di-
17 rectors and praying for an order of said court approv-
18 ing the order made in each case by the said board
19 and directing the execution thereof

20 Section 3 The said court shall thereupon set a day
21 for the hearing of said petition and order that notice in
22 writing of the time and place and nature of such hearing shall
23 be given to the nearest kin guardian committee or other
24 legal representative of each person so ordered to be ster-
25 ilized as the court may designate If it shall appear to
26 the satisfaction of the court that such person has no
27 kindred guardian committee or other legal representative or
28 that his or her nearest kin guardian committee or other
29 legal representative is financially unable to employ counsel

1 to represent them the court may in its discretion appoint
2 counsel to represent the person ordered to be sterilized
3 or his or her nearest kin guardian committee or other
4 legal representative at such or any further hearing or pro-
5 ceeding and fix the compensation for the services of such
6 counsel which compensation shall be paid upon the order
7 of the court by the county wherein such person so or-
8 dered to be sterilized has his or her legal settlement in
9 Pennsylvania or if he or she has no legal settlement
10 therein then by the county wherein said institution is lo-
11 cated

12 Section 4 At the said hearing and the subsequent
13 proceedings the board of trustees managers or directors of
14 said institution shall if they so request be represented by
15 an assistant Attorney General If at such hearing the
16 court is satisfied that the persons ordered to be sterilized
17 or any of them are severally potential to produce off-
18 spring and that either

19 (a) Their mental or physical condition will be mate-
20 rially benefited by sterilization and that such condition
21 cannot probably be otherwise improved or

22 (b) That by reason of their imbecility idiocy insanity
23 epilepsy or feeble-mindedness procreation by such persons
24 not being in permanent custody would produce off-spring
25 similarly affected and there is no probability that the con-
26 dition of such persons will improve to such an extent
27 as to render procreation by them advisable then

28 The said court shall order and direct that the order
29 of said board of trustees managers or directors be ap-

1 proved so far as the same relates to the sterilization
2 of persons concerning the condition of which the court
3 is satisfied as above with such modifications as may to
4 the court seem proper and order and direct that the
5 same be carried into execution unless an appeal from
6 such findings and order shall be taken to the Superior
7 Court within thirty days from the filing of the same
8 either by the board of trustees managers or directors pre-
9 senting said petition or the representatives as above enum-
10 erated by any person directed to be sterilized by such
11 order and the said Superior Court shall have power to
12 review and affirm modify or disapprove such findings and order
13 and such appeal shall operate as a supersedas

14 Section 5 When the order of any such board of
15 trustees managers or directors of any such institution for
16 the sterilization of an inmate of such institution shall
17 have been approved by the proper court of common pleas
18 as aforesaid and no appeal to the Superior Court shall
19 have been taken from the order of said court approving
20 the same within thirty days after the filing of such
21 order or if any such appeal shall have been taken then
22 at any time after the filing of a decree of the Su-
23 perior Court affirming the findings and order of the said
24 court of common pleas in the premises the person or-
25 dered to be sterilized in said order shall be sterilized
26 by the surgeon member of the commission recommending
27 such sterilization or by such other skilled surgeon as the
28 board of trustees managers or directors of said institu-

1 tion may select and designate in the manner designated
2 in the order of said board unless otherwise directed by
3 the court approving said order or by the Superior Court
4 on appeal and any expense incurred thereby shall be de-
5 frayed by such institution the aforesaid order shall con-
6 stitute complete authority for the performance of said
7 operations and no surgeon performing the same shall be
8 held responsible in any place for the performance thereof

9 Section 6 It shall be the duty of the commission
10 appointed by the boards of trustees managers or directors
11 of each of the institutions aforesaid to keep a permanent
12 record of all cases and histories examined into and of
13 all reports and recommendations made by them and of
14 all orders made and received by them and all operations
15 performed pursuant to their recommendations and to annu-
16 ally make a report in writing of such records to the
17 Secretary of the Board of Public Charities All expenses
18 necessarily incurred by the commission herein provided for
19 shall be paid from appropriations made for that purpose
20 by the General Assembly The cost of all legal proceed-
21 ings not otherwise hereinbefore provided for shall be paid
22 by the counties in which the inmates concerning which
23 such proceedings are had shall have their respective legal
24 residences or if such inmates have no legal residence then
25 at the cost of the county in which the institution of
26 which they are severally inmates is located