

trative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," is hereby amended to read as follows: Section 1309 (g) to receive for and on behalf of the Commonwealth gifts, or bequests of relics, or other articles of historical interest, which shall be deposited in the State Museum, or, at the discretion of the Pennsylvania Historical Commission, in or on historic properties or shrines committed to its custody.

APPROVED—The 28th day of May A. D. 1937.

GEORGE H. EARLE

No. 267

AN ACT

To amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by making further provision for the imposition of liability upon, and the payment by, individuals, counties, and poor districts of the cost of admission, care, and maintenance of mental patients and inebriates; and by requiring the furnishing of bonds conditioned upon the payment of the cost of care and maintenance of mental patients and inebriates, or in lieu thereof, the furnishing of endorsements of the poor authorities of counties or poor districts in certain cases.

Section 1. Be it enacted, &c., That sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 312, 315, 316, 404, 406, 501, and 507 of the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental

patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," are hereby amended or further amended, as the case may be, to read as follows:

Admission by
voluntary appli-
cation.

Section 301. Any person thought to be mentally ill may make application, in writing, to the superintendent of any hospital for mental diseases for admission as a patient to such hospital. Such application shall be signed by the applicant in the presence of at least one witness.

Admission.

If the said superintendent shall be satisfied, after examining the applicant, that he is in need of hospital treatment and will be benefited thereby, and that the mental condition of the applicant is such as to render him competent to make such application, said superintendent may receive and care for the applicant in the hospital: *Provided, That a bond in the amount of five hundred dollars (\$500.00), payable to the Commonwealth, conditioned that the cost of care and maintenance of such patient be paid, or in lieu thereof, that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital.*

Proviso.

Detention.

Such patient shall not be detained for more than ten days after he shall have given notice, in writing, to the superintendent of his desire to leave said hospital; but, if, in the opinion of the superintendent, it is inadvisable to discharge such patient, the said superintendent shall notify the friends or relatives of the patient or other persons liable for his support.

Notification of
relatives, etc.

Admission by ap-
plication of rela-
tive or friend.

Section 302. Whenever it shall appear that any person is mentally ill, or in such condition as to be benefited by or need such care as is required by persons mentally ill, the superintendent of any hospital for mental diseases may receive and detain such person, on the written application of any relative or friend, or the legal guardian of such person or any other responsible citizen, and on the certificate of two qualified physicians that said person is mentally ill and is in need of treatment and care in a hospital for mental diseases: *Provided, That a bond in the amount of five hundred dollars (\$500.00), payable to the Commonwealth, conditioned that the cost of care and maintenance of such patient be paid, or in lieu thereof, that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital.*

Certificate of
physicians.

Proviso.

Form of
application.
Contents.

The application aforesaid shall be, in the form, prescribed by the department, and shall state the name, sex, and residence of the patient, the opinion that said patient is mentally ill and that care in such hospital is necessary for his benefit, and the facts on which the said

opinions are based, and such other facts or information as may be required by the department. If the facts called for, or any of them, are unknown to the applicant or applicants, it shall be so stated in the application.

In the certificate, aforesaid, the physicians shall each state his residence, that he has resided in this State for at least three years; that he has been licensed to practice medicine in this State; that he has been in the actual practice of medicine for at least three years, or has had at least one year's experience as physician in a hospital for mental patients; that he is not related by blood or marriage to the patient, or to the applicant or any of the applicants; that he is not connected in any way as medical attendant, or otherwise, with the hospital to which application has been made for the admission of the patient; that he has examined the patient with care and diligence within one week; and that, in his opinion, the patient is mentally ill and in need of hospital care. He shall further state in said certificate the information, relative to the patient, given him by others, and the facts, as to the physical and mental condition and the behavior of the patient, which he has himself observed, on which he bases his opinion.

The aforesaid application and certificate shall be sworn to or affirmed before a judge or magistrate; and said judge or magistrate shall certify to the genuineness of the signatures, and to the standing and good repute of the signers of the certificate. The certificate shall not authorize the admission of the patient unless the patient shall be admitted within two weeks of the date thereof.

Section 303. Any person who is mentally ill may be placed and detained in a hospital for mental diseases by order of the court of common pleas or other court of record of the county in which the said person resides or is, or of any law judge of said courts, upon a sworn or affirmed application by any responsible person addressed to said courts or judge, which application shall be accompanied by a sworn or affirmed certificate of two qualified physicians. Said application and certificate shall conform, in all respects, to the forms prescribed by the department, and be executed not more than two weeks before the same are presented to the court or judge. Such procedure may be held at any place in the discretion of the court or judge, who may or may not, in his discretion, require the presence before him of the said mental patient.

A certified copy of the order of the court or judge, *which shall impose liability for the payment of the cost of care and maintenance of such patient on his estate, or on the persons liable under existing laws for his support, or on the proper county or poor district*, and copies of the application and of the certificate, shall accompany

Certificate.
Contents.

Application and
certificate to be
sworn to.

Admission within
two weeks from
date of certi-
ficate.

Admission by
order of court.

Application to
court.

Application and
certificate.

Place of
procedure.

Presence of
patient.

Papers to ac-
company patient.

the patient and be given to the superintendent in charge of the hospital in which the patient is ordered to be placed. The said application, certificate, and order shall be kept on file in a special docket in the court.

Docketing.

Admission within two weeks from date of order.

Such an order shall not authorize the admission of the patient unless he shall be admitted to the hospital within two weeks from the date thereof. The superintendent of said hospital shall receive the said patient, and may detain him therein until said patient shall have recovered or shall be removed according to law.

Detention.

Commission to inquire into facts.

Section 304. An application may be made to a court of common pleas, or judge thereof, for an order for the admission of any person thought to be mentally ill to a hospital for mental diseases; whereupon the court or judge thereof, may, in its or his discretion, immediately appoint a commission to inquire into and report upon the facts in the case. Such commission shall be composed of three persons, two of whom shall be qualified physicians, and the other a lawyer. They shall in their inquisition, hear such evidence as may be offered, or as they may require, relating to the mental condition of the person whose admission to a hospital for mental disease is sought, as well as the statements of such person, or his counsel; and shall make a report, in writing, to the court, or judge thereof, setting forth whether or not they find that the person in question is in fact mentally ill and a proper subject for admission to a hospital for mental disease, and setting forth the facts on which their conclusion is based.

How constituted.

Inquisition.

Evidence.

Report.

Approval of finding.

If such commission finds that the person in question is mentally ill and is a proper subject for admission to a hospital for mental diseases, and the court, or judge thereof, shall approve the report of the said commission, said court or judge shall thereupon order the person to be admitted to and detained in the hospital named in the application, *which order shall impose liability for the payment of the cost of care and maintenance of such patient on his estate, or on the persons liable under existing laws for his support, or on the proper county or poor district. A certified copy of the order of the court or judge and copies of the application shall accompany the patient and be given to the superintendent in charge of the hospital in which the patient is ordered to be placed. The said application and order shall be kept on file in a special docket in the court.* The court or judge may or may not, in its or his discretion, require the presence in court of the person thought to be mentally ill, and the procedure may be held in any place in the discretion of the court or judge.

Commitment.

Presence of person thought to be mentally ill.

Refusal to submit to examination.

Warrant.

If the person thought to be mentally ill shall refuse to submit himself to an examination by the aforesaid commission, the court, or judge thereof, may issue a war-

rant for the bringing of said person before said commission for examination.

Section 305. The superintendent of any hospital for mental diseases may receive, in the hospital of which he has charge, and detain for temporary care as a patient, for a period not to exceed ten days, any person who is, or is thought to be, suffering from mental illness, on the written application to said superintendent by the legal guardian or relative or friend of such person, which application shall be accompanied by a certificate of at least one licensed physician that immediate temporary care in a hospital for mental diseases is necessary for such person by reason of mental illness.

Admission for temporary care.

Ten day period.

Application.

Certificate of physicians.

Said application and certificate shall be given to the superintendent, or other officer of the hospital, at the time of the admission of the patient.

If, after the admission of such patient, the superintendent shall be of the opinion that the patient does not require such temporary care, the superintendent shall discharge said patient, or shall notify the said guardian, relative, or friend, on whose application the patient was admitted, to forthwith remove the patient from the hospital, whereupon it shall be the duty of said guardian, relative, or friend to remove him; and said guardian, relative, or friend shall be liable to the hospital for the expenses incurred, including those for care, maintenance, and removal.

Discharge in case temporary care is not required.

Removal.

Expenses.

If the said superintendent shall be of the opinion that the patient requires further care, *and if the patient shall not have been removed from said hospital*, the said guardian, relative, or friend shall, before the expiration of said period of ten days, cause the patient to be duly committed according to law, unless said patient shall have signed a request to remain as a voluntary patient: [or shall have been removed from said hospital.] *Provided, in either event, That, within the ten-day period, a bond in the amount of five hundred dollars (\$500.00), payable to the Commonwealth, conditioned that the cost of care and maintenance of such patient be paid, or in lieu thereof, that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital.*

Proviso.

When such patient is so further committed, the costs of such commitment shall be considered to include the expenses incident to his admission for temporary care.

Costs.

Section 306. The superintendent of any hospital for mental disease may receive and detain as a patient, for a period not exceeding ten days, any person whose case is certified to be one of violent or dangerous mental illness or of other emergency, by two qualified physicians, in a certificate similar to the certificate required in section three hundred and two of this act, except as to being

Admission of person of violent or dangerous mental illness.

Certificate of two physicians.

Duty of
sheriff, etc.

sworn or affirmed to. Upon the request of one of the aforesaid physicians, or any relative or friend, or of the guardian or committee of said patient, a sheriff or constable or police officer shall cause the delivery of said patient to the superintendent of said hospital.

Application for
commitment
within 10 days.

The person requesting such admission shall, within ten days after the date of admission, apply to a judge of the court of common pleas or other court of record of the county in which the patient is or resides or was apprehended for the commitment of said patient as mentally ill, in accordance with the provisions of section three hundred and three of this act. The certificate aforesaid may be used as the certificate of mental illness required in said section. If, within the said ten days, no commitment be made, or if the patient does not sign a request to remain in the hospital as a voluntary patient, or if the patient be not removed, the applicant aforesaid shall be liable to the hospital for the expenses incurred, which may be recovered by the [hospital] *Commonwealth* by suit in assumpsit.

Application by
guardian, etc.,
for commitment.

Section 307. The guardian, committee, or any relative or friend of a person thought to be mentally ill, may make application to the court of common pleas or other court of record of the county wherein such person resides or is, or to any judge thereof, for an order for the commitment of such person to a hospital for mental diseases for observation, diagnosis, and treatment. Such application shall be accompanied by the sworn certificate of two qualified physicians, setting forth, upon a form prescribed by the department, that such person is in such a condition as to require observation in a hospital for mental diseases, and giving the information called for by said form. Thereupon, or in his own discretion without such application the court or judge, if satisfied that the condition of such person is such as to make his commitment desirable for his best interests, shall commit him, for such period and under such limitations as the court or judge may direct, to the institution indicated in the application or to such other like institution as the court or judge may designate: *Provided, That such court or judge, at the time of commitment, by order, shall impose liability for the payment of the cost of care and maintenance of such patient on his estate, or on the persons liable under existing laws for his support, or on the proper county or poor district.*

Certificate of
physicians.
Contents.

Commitment by
court.

Proviso.

Report of pa-
tient's condition
to court.

Discharge.

Expenses.

The superintendent or other person in charge of the institution to which the said person is committed shall, before the expiration of the period of commitment of the patient, make written report of said patient's mental condition to the court or judge making the commitment. Thereupon the court or judge, if satisfied that the patient is not mentally ill, shall order his discharge and that the cost of his transportation, commitment, care,

and treatment be paid by the person so committed, by the applicant for his commitment, or by the poor authorities of the county or poor district in which such person is resident, as the court or judge shall deem just and proper, otherwise the court or judge shall make such order for the further disposition of the patient as may to him seem proper. Other disposition.

Section 308. When any person detained in any prison, *penitentiary, reformatory, or other penal or correctional institution*, whether [waiting] *awaiting* trial or undergoing sentence, or detained for any other reason (e. g. as a witness), shall, in the opinion of the superintendent, jail physician, warden, or other chief executive officer of the institution or other responsible person, be insane, or in such condition as to make it necessary that he be cared for in a hospital for mental diseases, the said superintendent, jail physician, warden, or other chief responsible officer of the institution, or other person, shall immediately make application, upon a form prescribed by the department, to a law judge of the court having jurisdiction of the charge against said person, or under whose order he is detained, for commitment of said person to a proper hospital for mental diseases. Insane prisoners.

The said judge shall forthwith order an inquiry by two qualified physicians, or by a commission as provided in section three hundred and four of this act, who shall immediately examine the said person and make written report of their *or its* findings to the said judge. Application to court for commitment.

If, in their opinion, the person so detained is insane, the physicians shall so state in a certificate conforming to the requirements of section three hundred and two, or the commission in a report conforming to the requirements of section three hundred and four of this act. Court to order inquiry.

They *or it* shall also report whether, in their *or its* opinion, such person is of criminal tendency. Examination.

The said judge may, in his discretion, summon other witnesses and secure further evidence. Certificate.

If he is then satisfied that the person thought or alleged to be insane is in fact insane, he shall order the [removal] *transfer* of such person to a hospital for mental diseases. Report.

If the [prisoner] *person* is [a convict] serving sentence, or if he is of criminal tendency, he shall be removed to a State hospital for insane criminals. Criminal tendency.

In any other case, the judge shall commit him to some other hospital for mental diseases. Removal hospital.

If the person found to be insane and [removed] *transferred* to a hospital is awaiting indictment or trial, or has been arraigned or is being tried, proceedings against him shall be stayed until his recovery. Stay of proceedings until recovery.

Upon his recovery, he shall be returned to the prison from which he was removed, for the disposition of the charges against him, upon proper order of the court. If he is a convict serving sentence, the time during which he is in

Computation of time in hospital.

the hospital shall be computed as part of the term for which he was sentenced.

Expenses.

The expense of examination, including the fees of physicians or commissioners, and all costs incident to [such removal] *the commitment and transfer of such person, and if such person is undergoing sentence, all costs of maintenance in the hospital previous to the expiration of such sentence, shall be paid by the county liable for the maintenance of the patient in the prison, penitentiary, reformatory, or other penal or correctional institution from which he was [removed] transferred, without recourse against any poor district.*

Payment by county.

Expiration of sentence before recovery.
Transfer to other hospital.

If the sentence of a person committed to a hospital for mental diseases, under the provisions of this section, shall expire before his recovery, he may be transferred, by the authority of the department, to any other hospital for care until his recovery, when he shall be discharged as in the case of any noncriminal patient. If the person found to be insane and removed to a hospital is [a convict] *undergoing sentence and recovers before the expiration of his sentence, or is found, after observation for a sufficient time, not to be insane, the superintendent or chief officer of the hospital to which said person has been committed shall properly certify such fact to the court which has committed him, and he shall be returned, upon order of the said court, to the prison, penitentiary, reformatory, or other penal or correctional institution from which he was removed.* The expense of removal shall be paid by the county liable for his maintenance in the prison, *penitentiary, reformatory, or other penal or correctional institution from which he was removed, without recourse against any [proper] poor district.*

Recovery before expiration of sentence.

Return to prison.

Expense of removal to be paid by county.

When, on the production or appearance of any person charged with criminal offense, or on the production or appearance before the court of such a person under any other circumstances, it shall appear to the court that such person is insane, or in such condition as to make it necessary that he be observed or cared for in a hospital for mental diseases, proceedings for the commitment of such person to such a hospital shall be had, such as are provided for in section three hundred seven or section three hundred three of this act, upon application of some person to be designated by the court.

Proceedings for commitment at instance of court.

When any person charged with any crime or misdemeanor whatever shall be acquitted on the ground of insanity or having been insane at the time the offense was committed, the jury shall set out this fact in [their] *its* verdict; and the court or judge before whom such person is tried may thereupon order such person to be committed to a hospital for mental diseases, in the manner provided in sections three hundred three, three hundred four, or three hundred seven of this act.

Acquittal on ground of insanity.

Finding of fact by jury.

Commitment by court.

When any person charged with any crime or misdemeanor whatever shall be acquitted on the ground of insanity or having been insane at the time the offense was committed, the jury shall set out this fact in [their] *its* verdict; and the court or judge before whom such person is tried may thereupon order such person to be committed to a hospital for mental diseases, in the manner provided in sections three hundred three, three hundred four, or three hundred seven of this act.

Section 309. The superintendent of any State or licensed school for mental defectives may receive and detain any mentally defective person, resident of this State, under twenty years of age and incapable of being properly educated and trained in the public schools, whose condition or mental defect and whose need of and fitness for care in a school for mental defectives shall have been certified to by a qualified physician, and whose admission shall be applied for by a parent, guardian, or relative of such person, or by any other responsible person having custody of such mentally defective person or being liable for his support.

Admission of
mental defective
under 20 years
of age.

Application.

The said application shall be made on a form prescribed by the department, and shall state the name, sex, age, and residence of said mentally defective person, and such other facts as may be required by the department. If the facts or any of them are unknown to the applicant, it shall be so stated in the application.

Contents.

If the said application is for the admission of a person to a school owned and controlled by the Commonwealth, it shall be endorsed by the poor authorities of the county in which the said person resides, if there be such authorities in said county, otherwise by the directors or overseers of the poor district in which said person resides.

Endorsement by
poor authorities.

But before any person shall be admitted to any school for mental defectives under the provisions of this section, the consent of the managers or superintendent thereof to such admission shall have been obtained.

Consent of
superintendent.

The poor authorities of any county, or the overseers of the poor district therein, in endorsing an application for the admission of a person to said school, shall state whether or not such person has an estate of sufficient value or a parent or parents of sufficient financial ability to defray the expenses, in whole or in part, of supporting such person in said school, and if there be such means of support in part only, then the amount per month which the parents or parent or legal guardian of such person may be able to pay; and the person or persons who make the application for such admission shall therein make statement, under oath, as to such means of support. Before said managers or superintendent shall accept an application for the admission of any person the Department of Revenue shall fix the amount, if any, which shall be paid for such support according to the ability of such parents or parent of the person, or according to the value of such person's estate, if any, and shall require payment for such support, so far as there may be ability to pay, as a condition to the admission or retention of said person. Said amount may, at any time, be changed by said Department of Revenue upon receiving further information concerning such means of support. When neither the said person nor his parent

Statement as to
ability to defray
expenses of
support.

Superintendent to
fix amount.

Payment as a
condition of
admission.

Inability to pay.

Agreement to pay for clothing.	or parents [are of sufficient financial ability to] defray the expense of his support in said school, the poor authorities or directors or overseers of the poor, endorsing the application, shall pay to the Department of Revenue, as collection agency of the school, such an amount for clothing as may be required for the comfort and advantage of said person, at an annual rate to be established by the Department of Revenue: <i>Provided, That when clothing is furnished to a patient by relatives or others, a county or poor district shall, nevertheless, be obliged to pay the established annual rate for clothing for such person to the department.</i> All other support at the school shall be provided for by annual appropriations, at such per capita rates as shall be appropriated by the General Assembly, on the application of the trustees or managers, after submission of the same to and approval by the Department of Welfare: <i>Provided, however, That in any judicial district in which there is a municipal court, vested with the exclusive jurisdiction over proceedings concerning children suffering from epilepsy, nervous and mental defects, [then] admission of mentally defective or epileptic children to any State or municipal institution from said judicial district shall be exclusively vested in said court.</i>
Proviso.	
Other support to be provided by State.	
Proviso.	
Jurisdiction of municipal court.	
Admission of mental defective by order of court.	Section 311. (a) Any person mentally defective may be placed and detained in a proper State or licensed school for mental defectives by order of the court of common pleas or other court of record or the juvenile court of the county in which such person is or resides, upon the sworn or affirmed petition of any parent, guardian, or other responsible person, addressed to the said court, praying that the said person may be placed therein. The said petition must be accompanied by a sworn or affirmed certificate of a qualified physician that it is his opinion that the said person is mentally defective and a proper subject for commitment to a school for mental defectives; in the said certificate the physician shall further state the facts of his own observation, and any other information upon which his said opinion is based. It shall be, in other respects, in form similar to that prescribed by the department for the admission of persons mentally ill to a hospital for mental diseases.
Petition of parent, etc.	
Certificate of physician.	
Form.	
Contents of petition.	The said petition shall be in the form prescribed by the department, and shall state the name, sex, age, and residence of the person alleged to be mentally defective, the opinion of the petitioner that the said person is mentally defective, and such other facts as may be required by the department; if the facts, or any of them, are unknown to the petitioner, it shall be so stated in the petition.
Hearing.	Thereupon the said court, or a judge thereof, may, in his discretion, appoint a day for a hearing of the said

petition, and, if he shall appoint a day for a hearing, he shall cause notice thereof to be given to the proper parties in interest; and, in his discretion, he may or may not require the presence of the alleged mentally defective person at said hearing. If it shall be made to appear to the said court or judge that the said person is mentally defective and a proper subject for commitment to a school for mental defectives, and that the best interests of the said person or the safety and welfare of the public require such commitment, the court shall make an order committing such mentally defective person to the school named in the petition, and direct his removal thereto by a proper officer or person; but before any person shall be admitted, under the provisions of this section, to any school for mental defectives, the consent of the managers, trustees, or superintendent thereof to such admission shall have been obtained.

At the said hearing the said court or judge shall inquire as to the estate of such mentally defective person, and, if the same be sufficient for the purpose, shall make an order directing the payment therefrom of the cost of clothing and other support of such mentally defective person in said school, otherwise that such payment be made by the husband or parent of such mentally defective person, if it appear that the circumstances of such husband or parent are such as to make such an order proper and advisable. Where the estate of said mentally defective person is insufficient, and the circumstances of said husband or parent are not such as to warrant such an order for the payment of clothing and other support, or either of them, the expense of clothing of said mentally defective person shall be paid for by the said county or *poor district* in which such mentally defective person resides; and all other support shall be provided for by the Commonwealth, at such per capita rates as shall be appropriated by the Legislature, on the application of the trustees or managers of the said school, after submission of the same to and approval by the department.

When any mentally defective person shall have been committed to any school, under the provisions of this subsection, by a juvenile court, the managers or superintendent of said school *shall* have authority to detain such person after he shall have reached the age of twenty-one years; and thereafter, in the discretion of said managers or superintendent, such person may be discharged or allowed a leave of absence upon order of the court of common pleas or other court of record, or a judge thereof, of the county in which the said commitment was made.

(b) When any person detained in any prison, penitentiary, reformatory, or other penal or correctional in-

Notice.

Presence of alleged defective.

Commitment by court.

Consent of superintendent.

Cost of clothing and other support.

Payment by estate.

By husband or parent.

Payment of clothing by county.

Other support to be provided for by State.

Detention after reaching age of 21

Discharge.

Person detained in prison thought to be a mental defective.

Person on bail thought to be a mental defective.

Application for examination and commitment.

Application for male defective criminals.

Inquiry by two physicians or by a physician.

Report.

Summoning other witnesses.

Commitment.

Commitment of male criminals over 16.

stitution, whether awaiting trial or undergoing sentence, except upon conviction for murder in the first degree, shall, in the opinion of the superintendent, jail physician, warden, or other chief executive officer of the institution, or other responsible person, be mentally defective; or when any person charged with a criminal offense and released on bail pending trial therefor, shall, in the judgment of any responsible person, be a mental defective,—the said superintendent, jail physician, warden, other chief responsible officer of the institution, or other responsible person, shall, in the case of a person detained in an institution, and said responsible person in other cases may make application, upon a form prescribed by the department, to a law judge of the court having jurisdiction of the charge against said person believed to be mentally defective, or under whose order he is detained, for the examination, and if necessary, the commitment of said person to a proper institution for mental defectives.

After the completion of the Cumberland Valley State Institution for Mental Defectives, all applications for the commitment of male mental defectives, over sixteen years of age, who have been arraigned and convicted, or who are in custody on a criminal charge, shall request the commitment of such persons to said Cumberland Valley State Institution for Mental Defectives.

The judge to whom application shall be made as hereinbefore provided shall forthwith order an inquiry by two qualified physicians, or by a commission, as provided by section three hundred and four of this act, who shall immediately examine the person alleged to be mentally defective and make written report of their *or its* findings to the said judge. If, in their opinion, the said person is mentally defective, the physicians shall so state in a certificate conforming to the requirements of section three hundred and two of this act; or the commission, in a report conforming to the requirements of section three hundred and four of this act. They *or it* shall also report whether, in their *or its* opinion, such person is of criminal tendency. The said judge may, in his discretion, summon other witnesses and secure further evidence; and, if he shall then be satisfied that the person alleged to be mentally defective is in fact mentally defective, he shall order his commitment to an institution for mental defectives; or, if detained in a prison, penitentiary, reformatory, or other penal or correctional institution, his transfer to an institution for mental defectives: Provided, That after the completion of the Cumberland Valley State Institution for Mental Defectives, males over sixteen years of age committed or transferred under the provisions of this subsection shall be committed or transferred to the Cumberland Valley State Institution for Mental Defectives.

If the person found to be mentally defective and committed to an institution under this subsection is awaiting indictment or trial, or has been arraigned, or is being tried, proceedings against him shall be stayed until his condition becomes such that he can leave the institution. His condition becoming such that he may be released from the institution for mental defectives, he shall, if he was previously confined in a prison, penitentiary, reformatory, or other penal or correctional institution, be returned, upon proper order of the court, to the institution from which he was transferred for the disposition of the charges against him or the completion of his sentence; and if he was [a convict serving a] *undergoing* sentence, the time during which he was in the institution for mental defectives shall be computed as part of the term for which he was sentenced. If he was committed to the institution for mental defectives before trial, he shall, upon being released from the institution for mental defectives, be returned to the court having jurisdiction over him for trial or such other disposition of such charges as the court may lawfully make.

State of criminal proceedings.

Return to penal or correctional institution.

Time in institution for mental defectives to be counted as part of sentence.

Return to court for trial.

The expense of examination, including the fees of physicians or commissioners, and all costs incidental to the commitment or transfer of *such persons*, and if *such person is undergoing sentence*, all costs of maintenance in the institution for mental defectives, *previous to the expiration of sentence*, shall be paid by the county [in which the person committed or transferred was charged with or sentenced for crime] *liable for the maintenance of the patient in the prison, penitentiary, reformatory, or other penal or correctional institution from which he was transferred, without recourse against any poor district.*

Expenses of examination and costs of commitment, transfer and maintenance.

Section 312. Any person under twenty-one years of age suffering from epilepsy may be admitted to and detained in any institution or place for the care of epileptics, upon the written application to the superintendent of such institution or place by the parent, guardian, or other person liable for the support of such epileptic person; and any epileptic person twenty-one years of age or over may be admitted upon his own written application, signed in the presence of at least one witness, if his mental condition is such as to render him, in the opinion of the superintendent or attending physician of such institution or place, competent to make such application: *Provided, That, within ten days from the date of such admission, a bond in the amount of five hundred dollars (\$500.00) payable to the Commonwealth, conditioned that the cost of care and maintenance of such patient be paid, or in lieu thereof, that an endorsement by the poor authorities of a county or poor district shall be furnished to the superintendent of such institution.*

Epileptic under 21.

Admission on application of parent, etc.

Voluntary application by epileptic over 21.

Proviso.

Detention after notice of desire to remove, etc.

No epileptic person, admitted upon such written application of parent, guardian, or other person, shall be detained more than ten days after the said parent, guardian, or other person shall have given notice to the said superintendent of his desire or intention to remove such epileptic person; and no epileptic person admitted upon his own written request shall be detained more than ten days after he shall have given written notice to the said superintendent of his desire or intention to leave.

Inebriate.

Section 315. Any inebriate who, except for his inebriety, is of good character and reputation may be admitted to and detained in any State [or licensed] hospital for mental diseases: *Provided, That a bond in the amount of five hundred dollars (\$500.00), payable to the Commonwealth, conditioned that the cost of care and maintenance of such person, at the full rate established by the Department of Revenue, be paid, shall have been furnished to the superintendent of such hospital, or to any licensed hospital for mental diseases, other than a State hospital, or to the psychopathic department or ward of any general hospital maintaining such department or ward, by the same procedure as in the case of the voluntary admission of a person thought to be mentally ill, as provided in section three hundred and one of this act.*

Proviso.

Procedure for admission.

Detention after notice of desire to leave.

He shall not be detained therein for more than ten days after he shall have given written notice to the superintendent thereof of his desire or intention to leave.

Admission by order of court.

Section 316. Any inebriate who, except for his inebriety, is of good character and reputation, and who is a proper subject for care in a State or licensed hospital or institution for inebriates or for mental diseases, may be placed and detained in such institution by order of the court of common pleas or other court of record of the county in which such person is or resides, upon petition, under oath or affirmation of at least two citizens, who shall be either the wife, husband, parent, child, committee of the estate of an inebriate, or next friends of such person, praying for the commitment of such person to a proper hospital or institution for detention, care, and treatment.

Petition.

What petition shall contain.

Said petition shall state the opinion of the petitioners that the said person is an inebriate within the scope of this act and is a fit subject for detention, care, and treatment in such a hospital or institution, and shall set forth the facts on which said opinion is based. Said petition shall be accompanied by the sworn or affirmed certificate of two qualified physicians, based on careful examination by them of the alleged inebriate, setting forth the condition of such person, their opinion that said person is an inebriate and a fit subject for detention, care, and treatment, and stating the facts of their own observation

Certificate of physicians.

and the information given them by others on which said opinion is based.

Upon such petition and certificate, the said court shall issue its warrant requiring the said inebriate, on a day fixed, to be brought in court for a hearing. If, after such hearing, the court is satisfied that the alleged inebriate is a proper subject for detention, care, and treatment, the court shall commit said inebriate to the hospital or institution set forth in the petition or other appropriate hospital or institution, *and shall, in its order, impose liability for the payment of the cost of care and maintenance of such patient on his estate, or on the persons liable under existing laws for his support, or on the proper county or poor district.* But before such commitment shall be made, the consent of the superintendent thereof to such admission shall have been obtained. When so committed the said inebriate shall remain in such hospital or institution until the board of managers or trustees, or the superintendent thereof, shall certify to the said court, that detention, care, and treatment are no longer beneficial or necessary to the inebriate or that he is cured, whereupon the court shall order the inebriate to be discharged under such supervision and restriction as the court may impose. But no person shall be detained under the provisions of this act for a period of more than one year.

Hearing.

Commitment.

Consent of superintendent.

Certification of cure, etc., to court.

Detention not to exceed one year.

Section 404. The board of trustees of any mental hospital, and the superintendent thereof when given general or special authority therefor by such board of trustees, or the person in charge if there be no board of trustees, shall have the power and authority to discharge any patient from such hospital if, in their or his opinion, no harm will arise from such action, *and if notice of such action shall have been given to the Department of Revenue;* but no insane criminal under sentence, and no person charged with any crime and acquitted on the ground of insanity, shall be discharged from such hospital without an order of the court in which he was sentenced or acquitted authorizing such discharge. No patient who is known to be homicidal or otherwise dangerous to be at large shall be discharged without examination by, and the written consent of, the department, nor without a sufficient guarantee by the person for said patient's support and care that the safety of the public or any individual shall be safeguarded. No patient, whose parent, guardian, or friend liable for his support shall oppose his discharge, shall be discharged without notification to such parent, guardian, or friend, and opportunity given him to state his reasons for wishing the said patient's further detention; and no mentally defective person or inebriate who has been committed by an order of the court, except in the case of a person dis-

Discharge of patient.

Criminal patient not to be discharged without order of court.

Homicidal patient.

Examination and consent by department.

Guarantee.

Discharge opposed by parent, guardian, etc.

charged by lapse of time from leave of absence or escape, and except in case such inebriate has been under hospital care for one year, shall be discharged without the recommendation of the chief medical officer in charge and an order from the court.

Recommendation of chief medical officer and order from court.

Criminal patient not to be discharged until sentence expires.

A mental defective who has been arraigned and convicted, or was in custody on a criminal charge, prior to his transfer to an institution for mental defectives, shall not be discharged under the foregoing provisions before he might have been discharged from the prison, penitentiary, reformatory, or other penal or correctional institution from which he was originally transferred to the institution for mental defectives.

Return of mental defective to county of domicile.

A mental defective, forty-five years of age and over, not having criminal tendencies, and no longer requiring treatment, training, and custody in an institution for mental defectives, may, upon recommendation of the superintendent and trustees, with the approval of the Department of Welfare, be returned to the county to which he or she belongs, provided that in cases committed by a court the consent of said court shall first be obtained.

Discharge by court.

Hearing.

Proviso.

Section 406. Any proper court shall have the power and authority to order and compel the discharge of any mental patient committed by such court to any mental hospital if, upon hearing, it shall be made to appear that such discharge is for the best interests of the patient and not incompatible with the public welfare and safety: *Provided, That before ordering such discharge, the court shall require that notice of the application for the discharge shall first have been given to the Department of Revenue.* In making any such order, if it is not in accordance with the expressed opinion of the physician in charge of the hospital, the court shall set forth the reasons for its decision, which reasons shall be part of said order, and the said order and reasons and the opinion of the physician in charge of the said hospital shall be entered in the clinical record of the patient: *Provided, however, That the court may, at its discretion, admit in evidence the sworn statement of the physician in charge of the hospital, his assistant, or the physician in charge of the patient, as to the condition of the patient, without the necessity of the appearance and personal examination of such physician.*

Reasons for decision to be part of order.

Proviso.

Sworn statement of physician.

What cost of admission and commitment shall include.

Section 501. Whenever any patient who is mentally ill, mentally defective, epileptic, or inebriate is admitted to any mental hospital, whether by order of a court or judge, or in any other manner authorized by the provisions of this act, the cost of such admission or commitment shall be deemed to include the expenses of removing such patient to the hospital, the fees of physicians or commissioners, and all other necessary expenses however

incurred. Such costs shall be chargeable to the estate of such patient, or to the person liable for his support: Provided, That if such estate or person is unable to pay the same, the county or poor district liable for the support of such patient shall be liable for such costs.

How chargeable.

Proviso.

If the patient is committed by order of court, the court or judge shall determine, at the time of commitment, the liability for such costs, *shall designate the responsible county or poor district*, and shall assess the same as shall seem to him just and proper.

Court to determine liability for costs.

Section 507. The expenses of the care and maintenance, including clothing *in any mental hospital of an insane [prisoners] or mentally defective person undergoing sentence for a criminal offense* shall be paid [in the same manner as the costs of commitment of such prisoner, as provided in section five hundred and two of this act] *by the county liable for the maintenance of the patient in the prison, penitentiary, reformatory, or other penal or correctional institution from which he was transferred*: Provided, That if the term of sentence of any prisoner shall expire while he is still a patient in any hospital, such expenses shall thereupon become chargeable as provided in section five hundred and three of this act.

Expenses of care and maintenance of insane prisoners.

Proviso.

Section 2. This act shall become effective the first day of June, one thousand nine hundred thirty-seven.

When effective.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 268

AN ACT

To amend sections one and two as amended, and sections four, six, and seven of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, one thousand twelve), entitled "An act regulating the business of loaning money in sums of three hundred (\$300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rate of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by restricting the business of lending by others than licensed lenders; by enlarging the powers of the Secretary of Banking; providing for the refusal or revocation of licenses; authorizing the Secretary of Banking to make rules and regulations, and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; extending the rights, powers, duties, liabilities, and immunities of, and limitations upon, the rights and powers of licensed lenders; increasing the penalty for operation without a license; bringing certain transactions within the scope