

No. 141

AN ACT

Relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto.

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"The Mental Health Act of 1951."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Article I.

Preliminary Provisions.

Section 101. Short Title.—This act shall be known and may be cited as "The Mental Health Act of 1951."

Section 102. Definitions.—As used in this act, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) "Care" shall include reception, detention, transfer, parole, discharge, custody, care, treatment, maintenance, support, segregation, education, culture, training, discipline, improvement, occupation, employment, medical and surgical treatment, and nursing, food and clothing.

(2) "Court" shall mean the court of common pleas or other court of record having jurisdiction, or law judge thereof, of the county in which the patient is or resides.

(3) "Criminal" shall mean any person who has been convicted on a criminal charge and whose period of sentence has not expired, or who has a criminal tendency.

(4) "Criminal tendency" shall mean a tendency to repeat offenses against the law or to perpetrate new offenses, as shown by repeated convictions for such offenses or tendency to habitual delinquency.

(5) "Department" shall mean the Department of Welfare or such other department to which its powers and duties may be transferred.

(6) "Epileptic" shall mean any person who is or is thought to be suffering from epilepsy.

(7) "Inebriate" shall mean a person who is so habitually addicted to the use of alcoholic or other intoxicating or narcotic substances as to be unable or unwilling to stop the excessive use of such substances without help. The term shall include "dipsomaniac," "drug addict," and "habitual drunkard."

(8) "Institution" shall mean any State or licensed place, public or private, for the care of patients. The term shall include "mental hospital," "school," "village," and every other place, by whatever name called, caring for patients, whether or not for compensation.

(9) "Mental defective" shall mean a person whose mental development is so retarded that he has not acquired enough self-control, judgment and discretion to manage himself and his affairs, and for whose welfare or that of others care is necessary or advisable. The term shall include "feeble-minded," "idiot" and "imbecile," but shall not include "mental illness," "inebriate" and "senile."

(10) "Mental hospital" shall mean any institution intended primarily for the care of patients who are or are thought to be mentally ill.

(11) "Mental illness" shall mean an illness which so lessens the capacity of a person to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under care. The term shall include "insanity," "unsoundness of mind," "lunacy," "mental disease," "mental disorder," and all other types of mental cases, but the term shall not include "mental defectiveness," "epilepsy," "inebriety," or "senility."

(12) "Patient" shall mean any person who is or is thought to be mentally ill, mentally defective, epileptic, or inebriate, or for whom admission to an institution is being sought, or who is or has been an inmate of an institution. The term shall not include a person who is "senile."

(13) "Qualified physician" shall mean a physician who has been (1) a resident of Pennsylvania for at least three years, (2) licensed to practice medicine in Pennsylvania, and (3) in the actual practice of medicine for at least three years, or has had at least one year's experience as a physician in an institution.

(14) "School" shall mean any institution for the care of mental defectives or epileptics. The term shall include "village," "training school," or other institution, by whatever name called, for the care of such patients.

(15) "Superintendent" shall mean the person in charge of the administration of an institution, or person acting as such in his stead or under his direction.

(16) "Transfer" shall mean the removal of a patient from one institution to another for the same kind of patients, without other procedure for admission than that prescribed by the department.

(17) "Trustees" shall mean the persons organized to manage and to be responsible for an institution. The term shall include "board of trustees," "board of managers," "managers," "directors," "board of directors." The term shall not include "superintendent."

Section 103. Effective Date.—The provisions of this act shall take effect on the first day of January, one thousand nine hundred fifty-two, except that the provisions of Article IX shall apply only to proceedings instituted on or after that date.

Act effective
January 1, 1952;
exception.

Article II.

Institutions for Patients.

(a) In General.

Section 201. Places for the Care of Patients.—(a) In this Commonwealth patients shall be cared for—

(1) In the following State institutions:

Allentown State Hospital
 Danville State Hospital
 Farview State Hospital
 Harrisburg State Hospital
 Norristown State Hospital
 Warren State Hospital
 Wernersville State Hospital
 Torrance State Hospital
 Laurelton State Village
 Pennhurst State School
 Polk State School
 Selingsgrove State Colony for Epileptics
 Western State Psychiatric Institute & Clinic
 Clark's Summit State Hospital
 Dixmont State Hospital
 Embreeville State Hospital
 Hollidaysburg State Hospital
 Philadelphia State Hospital
 Retreat State Hospital
 Somerset State Hospital
 Woodville State Hospital
 Mayview State Hospital
 Eastern Pennsylvania Psychiatric Institute

(2) In such other institutions as may be taken over or created by the Commonwealth.

(3) In such institutions as shall have procured licenses from the department in accordance with the provisions of this act.

(b) The authorities of general hospitals may set apart, establish and maintain beds, wards or departments for the temporary care of patients, upon procuring licenses from the department in accordance with the provisions of this act.

Section 202. Political Subdivisions not to Operate Institutions.—No political subdivision or ward shall operate or maintain, in whole or in part, any institution for the care of patients, except beds, wards or departments in general hospitals, for temporary care of patients, as hereinbefore provided.

(b) Private Institutions.

Section 211. License Required; Penalty.—(a) No person shall operate any institution, other than a State institution, for the care of patients, without having first procured from the department, in accordance with the provisions of this act, an annual license to operate such institution.

(b) Any person who violates the provisions of this section shall, upon summary conviction thereof, be sen-

tenced to pay a fine not to exceed one hundred dollars (\$100).

Section 212. Application for and Grant of License.—

(a) Every person, other than a State institution, desiring to operate an institution, shall annually file with the department an application for a license.

(b) The application shall be on a form prescribed, prepared and furnished by the department and, together with such information as the department requires, shall state—

(1) The name and address of the applicant and of the trustees and superintendent of the institution, and the names and addresses of all the partners or officers of a partnership or association or corporation, together with the address of the principal office, and state of registration, organization or incorporation.

(2) The location of the institution.

(3) The facilities of the institution for the care of patients, including sanitary and fire protection facilities.

(c) Upon receipt of an application for a license, the department shall make a thorough investigation of the character, financial responsibility and qualifications of the applicant; if the applicant is a partnership, association or corporation, of the officers or partners, as the case may be; of the trustees and superintendent of the institution; the adequacy of the facilities of the institution to furnish the type of care and service specified in the application; the sanitary and fire protection facilities; and any other matter or thing which the department deems proper.

(d) If satisfied that the applicant is qualified and responsible, and that the place sought to be used as an institution is a suitable place for the care of patients and is properly equipped therefor, the department shall issue a license to the applicant, upon the payment of a license fee of fifteen dollars (\$15) which shall be paid into the State Treasury through the Department of Revenue.

Section 213. Transfer of Private Institutions to Commonwealth.—Whenever the board of directors of any corporation incorporated under the laws of this Commonwealth for the purpose of the support of an institution for the care of mental defectives, epileptics or mentally ill persons shall determine that it will be for the best interests of such persons then in its charge, it may transfer to the Commonwealth absolute title in fee simple to all of its properties, possessions and endowments, real and personal, together with the care of the persons then in its charge. Upon the recommendation of the Secretary of Welfare, approved by the Governor, the Commonwealth shall accept such transfer. All moneys previously appropriated to such corporation which remain unex-

pended after payment of all of its debts and liabilities shall be expended by the department for the maintenance of the properties so transferred and the care of the persons housed thereon.

Section 214. Review of Action by Department.—Any person aggrieved by any action of the department relating to his license, or by rule or regulation adopted and promulgated by the department, shall have the right to file a complaint with the department and to have a hearing thereon before the department. Such hearings shall be conducted and the decision of the department on the issue involved shall be rendered in accordance with the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388) and its amendments, relating to adjudication procedure. Any person aggrieved by any adjudication of the department shall have the right to appeal therefrom to the Court of Common Pleas of Dauphin County and have a judicial review of such adjudication, within the time and in the manner and with the same effect as is provided by the Administrative Agency Law and the Rules of Civil Procedure promulgated by the Supreme Court for judicial review of adjudication of agencies of the Commonwealth.

(c) State Institutions.

Section 221. Outpatient and Psychiatric Clinical Services.—To promote prevention, recognition and treatment of mental illness, mental defect, epilepsy and inebriety, the department may establish, extend, operate, maintain and provide outpatient services in conjunction with State institutions, and separate psychiatric clinical services, and may fix and establish charges for such services.

Section 222. Relocation and Establishment of Additional Institutions.—(a) The department may recommend to the Governor the establishment of new institutions for the care of persons afflicted with any mental illness, mental defect or epilepsy, or the relocation of present institutions under the supervision of the department, where it appears that a present institution is no longer fit for use or for reconstruction, and that the conditions of its water supply, sewerage, location or environment justify its abandonment.

(b) Upon receiving the recommendations of the department, the Governor, if he approves, shall direct the Department of Property and Supplies to determine desirable sites within the areas recommended by the department for the erection of such institutions. Such sites shall provide ample water supply and be capable of adequate sewerage and drainage. Consideration shall

be given to the needs for expansion over a period of fifty years. The quality of soil and the acreage obtained shall be sufficient for the most productive agricultural employment of the type of persons for which the institution is planned.

(c) After the Governor has approved a site from among those proposed by the Department of Property and Supplies, the Department of Property and Supplies shall acquire the land and improvements thereon, by purchase or by condemnation, and shall proceed with the construction of necessary buildings and facilities, following the recommendations of the Department of Welfare and the Governor's approval. The cost of such land, buildings and facilities shall be paid from appropriations made for such purpose.

(d) Upon completion of the institution, it shall be administered by the same board of trustees as was appointed for the institution which was relocated, or, in the case of a new institution, by a board of trustees, which shall be appointed and organized, which shall conduct its affairs in accordance with the provisions of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), known as The Administrative Code of 1929, and its amendments. The name for any new institution shall be selected by the department with the Governor's approval, and shall be indicative of the political subdivision in or near which such institution is located.

(e) Admissions and commitments to any institution established or relocated under the provisions of this section, and transfer, release, discharge or parole therefrom, shall be as provided in this act.

(f) The Board of Commissioners of Public Grounds and Buildings shall advertise publicly in newspapers of general circulation for offers to purchase lands and buildings no longer used by the Commonwealth for institutional purposes, and may make, award and execute deed of conveyance to the highest responsible bidder. The board shall have the power to reject any and all bids, and to postpone offer of sale from time to time. The costs of sale shall be paid from the biennial appropriation for salaries and general expenses of the Department of Property and Supplies.

Section 223. *Re-transfer of Property from Commonwealth to Political Subdivisions.*—(a) Any property, real or personal, transferred to and vested in the Commonwealth in accordance with the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws 53), and its reenactments and amendments, if found unsuitable for use as a State institution, or if abandoned by the Commonwealth as

such an institution before substantial improvements thereto have been made, shall revert to and vest in the political subdivision or ward from which transferred, and the Commonwealth shall have no further claim or title thereto.

(b) If any personal property originally transferred to the Commonwealth cannot be returned to the political subdivision or ward, other personal property of equivalent value may be returned, or the value thereof at the date of return may be paid by the Commonwealth to the political subdivision or ward from funds appropriated to the department for such purpose.

Section 224. Obligations and Rights of Political Subdivisions.—(a) All obligations incurred by a political subdivision or ward by reason of the erection, acquisition or maintenance of an institution, or of a place for the care and maintenance of indigent persons who are not patients, which were outstanding on the date that the Commonwealth took over the operation and management of such institution or place, or ordered such institution or place closed in accordance with the provisions of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws 53), its reenactments and amendments, shall remain the obligations of the political subdivision or ward, and shall be paid in the same manner as though the operation and management still remained in the political subdivision or ward. For the payment of such obligations, the authorities of such political subdivision or ward may continue to levy and collect taxes as if control and management were still vested in the political subdivision or ward.

(b) All amounts due any political subdivision or ward for the care of any patient in any institution or place for the care and maintenance of indigent persons transferred to the Commonwealth, that had accrued and remained unpaid on the date that the Commonwealth took over the operation and management of the institution or place, or on the date such institution or place was closed, may be collected by the political subdivision or ward in the same manner as if the control and management were still vested in the political subdivision or ward.

(c) Where there is a claim against the estate of any patient, both on behalf of the Commonwealth and on behalf of a political subdivision or ward, and there is not sufficient in the estate to pay both claims in full, payment shall be made to the Commonwealth and the political subdivision or ward in the proportion of the amount of maintenance legally recoverable by each.

Section 225. Management of Institutions Taken over from Political Subdivisions.—(a) Each institution taken

over by the Commonwealth from a political subdivision or ward in accordance with the provisions of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws 53), its reenactments and amendments, which the Governor has directed the department to operate and manage, shall be operated and managed by the department as a State institution. The department, in managing and operating any such institution, shall have all the powers and perform all the duties vested in and imposed upon boards of trustees of similar State institutions by the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), and its amendments, known as The Administrative Code of one thousand nine hundred twenty-nine.

(b) All patients in any institution at the time the management and operation thereof was assumed by the department shall have the same status as if originally committed or admitted to a State institution. Commitments may be made to any such institution, patients may be cared for therein, and transfers may be made therefrom and thereto, in the same manner and in accordance with provisions of this act applying to other similar State institutions. The department shall have power to designate the counties of the Commonwealth from which commitments may be made to each institution.

Section 226. Qualifications, etc., of Superintendents.

—(a) The superintendent of every State institution shall be a physician with training or experience, or both, in the care of patients. In institutions for the care of female patients, the superintendent shall be a woman.

(b) When adequate housing facilities exist at a State institution, the superintendent shall reside there; if he has a family, they may reside with him. In either case, the cost of maintaining the residence shall be assumed by the institution.

Section 227. Trustees' Report.—The trustees of every State institution shall submit a written financial report to the Auditor General, the State Treasurer and the department, quarterly. The report shall contain an *itemized statement of the expenses of the institution during the previous quarter. Every report shall be approved or disapproved by the department, the Auditor General and the State Treasurer. If the trustees of an institution fail to submit such report, or until the report submitted by an institution is approved, the State Treasurer shall not pay any money to the institution.

Section 228. Ex Officio Visitation.—In addition to the visitation and inspection powers of the department,

* "itemized" in original.

the Governor, the several courts of the Commonwealth and the members of the legislature shall be *ex officio* visitors of State institutions.

Section 229. Acceptance of Gifts.—The trustees of every State institution, with the approval of the department, may accept grants, devises or gifts of real property or any interest therein, which or the income of which shall be used for the benefit of the patients of the institution or shall be devoted to the general use of the institution.

Section 230. Purposes of State Institutions.—(a) The department shall determine and designate the type of patients to be admitted to and cared for in all State institutions, except as otherwise provided in this section.

(b) The Farview State Hospital shall be exclusively devoted to the care of criminal patients.

(c) The Polk State School shall be exclusively devoted to the care of mentally deficient and epileptic children, and shall provide separate classification for the various grades of patients.

(d) The Pennhurst State School shall be exclusively devoted to the care of mental deficient and epileptics of all ages, and shall provide separate classification for the various grades of patients.

(e) The Laurelton State Village shall be exclusively devoted to the care of mentally deficient women, and shall provide separate classification for the various grades of patients.

(f) The Selinsgrove State Colony for Epileptics shall be devoted exclusively to the care of epileptics.

(g) The Western State Psychiatric Institute and Clinic and the Eastern Pennsylvania Psychiatric Institute shall be devoted to study and research into the causes, treatment, prevention and care of the various types of nervous disorders, mental illness, mental defects and epilepsy. In furtherance of such purposes, they shall—

(1) Provide both undergraduate and graduate students studying to become general medical practitioners with a technical background of training in mental illness;

(2) Provide regular courses of study for personnel of State institutions;

(3) Deal with the mental hygiene of the normal child in the way of study and training;

(4) Focus their activities on problems of administering mental institutions and a Commonwealth mental health program; and,

(5) Train and teach nurses and other personnel necessary in the care and prevention of mental illness, mental defect and epilepsy.

Section 231. Special Education; Training and Employment.—(a) Agricultural training shall be primarily considered in the educational departments of the Laurelton State Village and the Polk State School, and for male patients of the Pennhurst State School. The patients shall also be employed in agricultural pursuits directed toward the maintenance of the institutions.

(b) At the Laurelton State Village, each patient shall be instructed in English and in a manual or handicraft vocation useful to her.

(c) The trustees of the Wernersville State Hospital shall provide workshops for the employment of patients, and shall employ patients therein, or in farm or ward work or other useful occupation directed toward the maintenance of the institution.

Article III.

Admission and Commitment of Patients.

(a) Voluntary Admission.

Section 301. Application for Voluntary Admission.—

(a) Application for voluntary admission as a patient may be made—

(1) By any person thought to be mentally ill, to the superintendent of any mental hospital.

(2) By *any epileptic twenty-one years of age or older, to the superintendent of any school or institution for the care of epileptics.

(3) By any inebriate, to the superintendent of any mental hospital, institution for the care of inebriates, or of any general hospital maintaining a **psychopathic department or ward.

(b) Every such application shall be in writing, and signed by the applicant in the presence of at least one witness.

Section 302. Examination and Admission of Voluntary Patient.—The superintendent receiving an application for voluntary admission shall examine the applicant. If he finds that the applicant is mentally competent to make such application and that he is in need of care and will be benefited by admission, he may admit the applicant as a patient.

Section 303. Admission of Inebriate Conditioned on Bond.—No inebriate shall be admitted to any State institution on his voluntary application until a bond in the amount of five hundred dollars (\$500), payable to the Commonwealth, conditioned on the payment of the costs of his care and maintenance at the full rate established by the Department of Revenue, has been fur-

* "an" in original.

** "psycopathic" in original.

nished to the superintendent of the institution to which he has applied for admission.

Section 304. Limits of Detention of Voluntary Patients; Notice to Relatives, etc.—(a) No person voluntarily admitted shall be detained for more than ten days after he has given written notice to the superintendent of his intention or desire to leave the institution where he is detained.

(b) In any case where the superintendent finds it inadvisable to discharge a person thought to be mentally ill, he shall notify the patient's friends, relatives or other persons liable for his support.

(b) Admission on Application, etc., with Qualified Physician's Certificate.

Section 311. Admission by Superintendent on Application of Relative, etc., and Physician's Certificate.—

(a) Application for admission as a patient may be made in the interest of—

(1) Any person who appears to be mentally ill or in such condition as to need the care required by persons who are mentally ill, to the superintendent of any mental hospital; or,

(2) Any resident mental defective under twenty years of age and incapable of being properly educated and trained in the public schools, or over twenty years of age and of such inoffensive habits as to make him a subject for classification and discipline in a school, to the superintendent of any school; or,

(3) Any epileptic twenty-one years of age and over, to the superintendent of any school or institution for the care of epileptics.

(b) Application may be made by the patient's relative, friend, legal guardian, the person having his custody or the liability for his support, or by any other responsible person.

(c) Every application shall be in writing on a form prescribed by the department. The applicant shall state the name, sex, age and residence of the patient, the opinion that the patient is mentally ill, mentally defective or epileptic, and that the patient is a fit subject for care and will be benefited by admission; the facts on which such opinions are based, and any other information required by the department. If any information required is unknown to the applicant, he shall so state.

(d) Every application shall be accompanied by the certificate of one qualified physician, in the case of a mental defective or epileptic, and two qualified physicians, in the case of a person thought to be mentally ill. The certificate shall not authorize the admission of the patient unless he shall be admitted within two weeks of the date thereof.

(e) In the case of a person thought to be mentally ill, such application and certificate shall be sworn to or affirmed before a person authorized to administer an oath in the Commonwealth, who shall certify to the genuineness of the signatures.

(f) On receipt of an application and certificate, the superintendent may receive and detain the person sought to be admitted as a patient.

(g) The provisions of this section shall not apply to the admission of mentally defective or epileptic children sought to be admitted to any State institution from any judicial district in which there is a municipal court vested with the exclusive jurisdiction over proceedings concerning children suffering from epilepsy and nervous and mental defects.

Section 312. Contents of Physician's Certificate; Penalty for False Statement.—(a) In every qualified physician's certificate required by his act for the admission or commitment of a patient, the physician issuing the same shall state—

(1) His residence;

(2) That he has resided in this State for at least three years;

(3) That he has been licensed to practice medicine in this State;

(4) 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 a physician in an institution;

(5) That he is not related by blood or marriage to the patient or applicant;

(6) That he is not connected in any way as medical attendant, or otherwise, with the institution to which application has been made for the admission of the patient;

(7) That he has examined the patient with care and diligence within a week of making the certificate;

(8) That, in his opinion, the patient is or is thought to be mentally ill, mentally defective, inebriate or epileptic, or is in need of and will be benefited by care and the admission applied for;

(9) 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 observed and on which he bases his opinion; and,

(10) Such other information as the particular request for admission or commitment or as the department may require.

(b) Any physician who falsely certifies to the mental illness, mental defectiveness, inebriety or epilepsy of any person, or whose false certificate as to mental illness, defectiveness, inebriety or epilepsy of any person is

proved to be the result of negligence or deficient professional skill, or who signs such a certificate for pecuniary reward or promise thereof or other consideration of value or operating to his advantage, other than the professional fee usually paid for such service, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed five hundred dollars (\$500), or to imprisonment not to exceed one (1) year, or both.

Section 313. Admission of Minor Epileptic; Limit of Detention.—(a) Application for admission as a patient may be made to the superintendent of any school or institution for the care of epileptics, in the interest of any person under twenty-one years of age suffering from epilepsy.

(b) The application shall be in writing, and may be made by the epileptic's parent or guardian or other person liable for his support, or by any other responsible person.

(c) On receipt of the application, the superintendent may receive and detain the minor epileptic as a patient. No minor epileptic so admitted shall be detained for more than ten days after the person who applied for his admission has given written notice to the superintendent of intention or desire to remove the patient.

Section 314. Admission for Temporary Detention.—

(a) Application may be made to the superintendent of any mental hospital for admission as a patient for temporary care, in the interest of any person who is or is thought to be suffering from mental illness.

(b) The application shall be in writing, and may be made by a relative, legal guardian or friend of the person sought to be admitted. It shall be accompanied by the certificate of a least one qualified physician, which shall also state that immediate temporary care in a mental hospital is necessary for the person sought to be admitted by reason of mental illness.

(c) Upon receipt of the application and certificate, which he shall retain, the superintendent may receive and detain the patient for temporary care for a period of not more than ten days.

Section 315. Examination; Discharge or Further Detention of Person Temporarily Detained.—(a) After admitting any person as a patient for temporary care, during the ten day period of detention the superintendent shall examine such patient for further disposition.

(b) If the superintendent finds on such examination that the patient does not require such temporary care, he shall either discharge him or notify the applicant for his admission to remove him.

(c) If the superintendent finds on such examination that the patient requires further care, he may admit the patient on a voluntary application, or he shall notify the applicant to apply for the patient's commitment by application to him, or by order of court, or to remove the patient.

Section 316. Admission of Violent or Dangerous Person; Temporary Detention.—(a) Application may be made to the superintendent of any mental hospital for admission as a patient for temporary care, in the interest of any person who is violently or dangerously mentally ill, or whose case is otherwise of an emergency nature.

(b) The application may be made by a relative, friend, guardian or committee of the patient, and shall be evidenced by the certificate of two qualified physicians, who shall also state therein that the person is violently or dangerously ill, or that his case is otherwise of an emergency nature. The certificate need not be sworn to or affirmed.

(c) At the request of the applicant or one of the certifying physicians, the sheriff or a constable or police officer shall deliver the patient to the superintendent.

(d) The superintendent may admit and detain any such patient for care for a period not to exceed ten days.

Section 317. Disposition of Violent or Dangerous Person.—Within ten days after the admission of any person who is violently or dangerously mentally ill, or whose condition is otherwise of an emergency nature, such person shall be either—

(1) Committed by order of court of the county where the patient is, resides or was apprehended, on application of the person who sought his temporary admission; or,

(2) Admitted on his voluntary application; or,

(3) Removed by the applicant for his temporary admission.

(c) Commitments Other Than Criminals, Etc.

Section 326. Petition of Commitment.—(a) A petition may be presented to a court of the county in which a patient resides or is for the commitment of any—

(1) Person who is mentally ill, to a mental hospital; or,

(2) Person who is thought to be mentally ill, for observation, diagnosis and treatment, to a mental hospital; or,

(3) Epileptic, not dangerous to himself or others, to an institution for the care and treatment of epileptics; or,

(4) Person who by reason of epilepsy is dangerous to himself or others, to a mental hospital or a State institution for epileptics; or,

(5) Mental defective, to a school; or,

(6) Inebriate, to a State or other mental hospital or institution for inebriates.

(b) The petition, which shall be sworn to or affirmed, may be made in the case of—

(1) A person who is mentally ill or who by reason of epilepsy is dangerous to himself or others, by any responsible person.

(2) A person who is thought to be mentally ill and in need of observation, diagnosis and treatment, by his guardian, committee, relative or friend.

(3) An epileptic, not dangerous to himself or others, or a mental defective, by his parent, or guardian, or other responsible person.

(4) An inebriate, by at least two citizens, who shall be his spouse, parent, child, committee of the estate, or next friends.

(c) Every such application or petition shall be in the form prescribed by the department. It shall state the name, sex, age and residence of the person sought to be committed, the opinion of the petitioner that such person is mentally ill, epileptic, mentally defective or inebriate, and is a fit subject for care, or needs observation, diagnosis and treatment in the type of institution to which commitment is sought, together with the facts on which such opinion is based, and such other facts as the department may require. If any of the facts are unknown, the petition shall so state.

(d) Every such petition shall be accompanied by the sworn or affirmed certificate of two qualified physicians.

(e) The court shall not entertain any such petition or certificate executed more than two weeks prior to its presentation.

Section 327. Appointment of Commission by Court; Powers and Duties of Commission.—(a) Whenever petition is made to a court for an order for the commitment of any person thought to be mentally ill to a hospital, the court may immediately appoint a commission to inquire into and report upon the facts in the case.

(b) Such commission shall be composed of three persons, two qualified physicians and an attorney-at-law. Each member of the commission shall receive the sum of five dollars (\$5) for each day he is necessarily employed in the duty of his appointment. The attorney-at-law member shall prepare and file all necessary notices, reports and other papers, and shall receive the additional sum of five dollars (\$5) for such services.

(c) The commission shall hear such evidence as may be offered or as they may require relating to the mental condition of the person sought to be committed, as well as his or his counsel's statement. If such person shall refuse to submit to an examination before the commis-

sion, the court may issue a warrant to bring him before the commission for examination.

(d) The commission shall make a written report to the court setting forth whether or not they find that the patient is in fact mentally ill and a proper subject for commitment to a hospital, and the facts on which their conclusion is based.

Section 328. Hearings; Commitment.—(a) Upon receipt of a petition for the commitment of a patient, or of the report of a commission if one has been appointed, the court may fix a day for a hearing, to be held at such place as the court directs. When the hearing is to be held, the court shall notify the parties in interest. The court may require the presence of the person sought to be committed.

(b) In the case of a petition for the commitment of an inebriate, the court shall hold such hearing and shall issue its warrant for his presence before the court.

(c) If the court approves the report of a commission that the person in question is mentally ill and is a proper subject for admission to a mental hospital, or is satisfied that the person sought to be committed is a proper subject for care, or that the safety and welfare of the public require such commitment, the court shall make an order committing the person to the institution named in the petition, and direct his removal thereto by a proper person.

(d) No order shall authorize the commitment of a patient unless he is admitted within two weeks from its date.

(e) No order shall authorize the commitment of a mental defective, inebriate or epileptic unless the superintendent or trustees of the institution to which the commitment is to be made shall approve.

(f) The order shall authorize the superintendent to detain the patient until he is removed in accordance with the provisions of this act.

Section 329. Detention of Inebriate.—When any inebriate is committed in accordance with this act, he shall remain in the institution until the superintendent certifies to the court that care is no longer beneficial or necessary to the inebriate. The court which committed him shall then order his discharge, under such supervision and restriction as it may impose. No inebriate shall be detained for a period of more than one year.

Section 330. Detention of Mental Defective After Reaching Majority.—When any mentally defective person has been committed to any school by a juvenile court, the superintendent shall have the authority to detain such person after he reaches the age of twenty-one years. Thereafter, in the discretion of the superin-

tendent, such person may be discharged or allowed a leave of absence upon the order of a court of the county in which the commitment was made.

Section 331. Disposition of Person Committed for Observation, Diagnosis and Treatment.—(a) Whenever the court commits a person thought to be mentally ill to a hospital for observation, diagnosis and treatment, it shall make such commitment for a definite period and with such limitations as it may direct.

(b) Before the expiration of the period of commitment, the superintendent shall report the patient's mental condition in writing to the committing court. If the court is satisfied that he is not mentally ill, it shall order his discharge. Otherwise, the court shall make such order for his further disposition as may seem proper.

Section 332. Copies of Application, etc., to Accompany Patient; Filing.—(a) A certified copy of every order of commitment and copies of the application or petition and certificate therefor shall accompany the patient and be given to the superintendent of the institution to which he is committed.

(b) The application, certificate, report of commission, if any, and order of the court shall be kept on file in a special docket in the court.

(d) Commitment of Criminals and Persons Charged with Crime, Etc.

Section 341. Commitment of Person Acquitted of Crime Because of Insanity.—(a) Whenever any person charged with any crime is acquitted on the ground of insanity or having been insane at the time he committed the crime, the jury shall state such reason for acquittal in its verdict.

(b) The court before which any such person has been tried may order the commitment of such person to a mental hospital on its own initiative or upon the report of a commission, or for observation, diagnosis and treatment, in accordance with the provisions of this act for the commitment of persons who are not criminals or who have not been charged with crime.

Section 342. Commitment of Person Charged with Crime.—Whenever any person charged with crime, upon production or appearance before the court, appears to be mentally ill or in need of care in a mental hospital, the court shall designate a responsible person to apply for his commitment, or for his commitment for observation, treatment and diagnosis, by order of such court, in accordance with the provisions of this act for the commitment of persons who are not criminals or who have not been charged with crime.

Section 343. Commitment of Convicted Person in Lieu of Sentence After Report of Psychiatrist.—(a) Whenever any person is convicted of a crime punishable by sentence to a penal or correctional institution, the trial court may defer sentence and order a mental examination of the defendant to guide it in determining his disposition. Such action may be taken on the court's initiative, or on the application of the district attorney, the defendant, or his counsel or other person acting in his interest.

(b) The court shall order his examination by a psychiatrist employed by the department in a State institution or otherwise. The examiner shall make a written report of his findings to the court, and the report shall be available to the district attorney and counsel for the defendant. The examiner shall be paid the actual expenses incurred by him, but shall receive no other compensation. The county of conviction shall pay his expenses on bills approved by the court.

(c) On the report of the examiner that the defendant is so mentally ill or defective that it is advisable for his welfare or the protection of the community that he be committed to other than a penal or correctional institution, the court may commit him to a State institution for the care of such mental cases in lieu of sentence to a penal or correctional institution, and direct his detention until further order of the court. If the examiner's report indicates no such mental illness or deficiency, he shall be sentenced as in other cases.

(d) When a defendant is committed to an institution, an appeal shall lie in the same manner and with like effect as if sentence to a penal or correctional institution had been imposed, and may be taken by defendant or his counsel.

Section 344. Petition for Commitment of Prisoner or Person Released on Bail.—(a) Petition for the commitment of—

(1) Any person detained in any penal or correctional institution who is thought to be mentally ill or in such condition that he requires care in a mental hospital, or who is thought to be a mental defective or epileptic.

(2) Any person charged with a crime and released on bail pending trial who is thought to be a mental defective or epileptic may be made to the court under the order of which such person is detained or which has jurisdiction of the charge.

(b) The application shall be in writing on a form prescribed by the department. It may be made by the superintendent, warden, jail physician, or other executive officer of the institution in which the person sought to

be committed is detained, or by any responsible person, whether or not he is connected with such institution.

(c) No application shall be made for the commitment of any mental defective convicted of first degree murder.

Section 345. Examination of Prisoner, etc., by Physicians or Commission; Hearing; Commitment.—(a) Upon receipt of an application, the court shall order an examination of the person sought to be committed by two qualified physicians or a commission. The physicians or commission shall report to the court on such examination, and shall state whether the person is of criminal tendency. The report by physicians shall be by certificate and by a commission as in other cases under this act.

(b) The court may hold a hearing, summon other witnesses, and secure further evidence subsequent to receipt of the report of such examination.

(c) If the court is satisfied that the person sought to be committed is mentally ill, mentally defective or epileptic, it shall order the commitment or transfer of such person to a mental hospital or an institution for mental defectives. If the person is undergoing sentence, or is found to have a criminal tendency, the commitment shall be to a State hospital for the criminal insane.

Section 346. Deportation of Criminals.—Whenever any person is detained in a mental hospital after having been charged with or convicted of crime, and is subject to deportation from the Commonwealth under the laws of the United States, the court committing such person to the mental hospital, upon the petition of the superintendent of such hospital or the department, may enter an order directed to the superintendent to release such person from detention into the custody of an agent of the United States for the purposes of deportation.

Section 347. Effect of Commitment on Pending Criminal Proceedings.—If any person is committed while awaiting indictment or trial, or has been arraigned or is being tried, proceedings against him shall be stayed until his recovery. Upon his recovery, if he was previously confined in a penal or correctional institution, he shall be returned upon proper order of the court to the penal or correctional institution from which he was transferred, for the disposition of the charges against him. If he was committed before trial, he shall be returned to the court having jurisdiction of him, for trial or such other disposition of such charges as the court may make.

Section 348. Effect of Commitment on Criminal Serving Sentence.—(a) If the person committed is a convict serving sentence, the time during which he is

committed as a patient shall be computed as part of the term for which he was sentenced.

(b) If the person committed is a convict serving sentence and such sentence expires before his recovery, the department may transfer him to any other institution for care until his recovery, when he shall be discharged.

(c) If the person committed is a convict serving sentence and recovers before the expiration of his sentence, or is found after observation not to be mentally ill, mentally defective or epileptic, the superintendent of the institution to which he has been committed shall certify such fact to the committing court, and he shall be returned on the order of such court to the penal or correctional institution from which he was transferred.

(e) Provisions Applicable to All Commitments.

Section 351. Habeas Corpus.—Every commitment made under the provisions of this act may be appealed by writ of habeas corpus, which may be sued out at any time by any person restrained or any one acting on his behalf.

Section 352. Superintendent of Institution to Ascertain Whether Patient Is a Veteran.—(a) Whenever any person is received for care in any institution, the superintendent shall endeavor to ascertain whether such person has served in the armed forces of the United States.

(b) Whenever the superintendent finds or has reason to believe that a patient received is a veteran of the armed forces of the United States, he shall notify the Department of Military Affairs, together with the information concerning such service.

Section 353. Commitment of Veteran to United States Veterans' Hospital.—Whenever it appears that any person sought to be committed is (1) mentally ill or mentally defective, (2) a veteran of any war, military occupation or expedition, (3) eligible for treatment in a United States Veterans' Hospital, and (4) commitment to such hospital is necessary for his proper care, the court may commit him to a United States Veterans' Hospital, upon receipt of a certificate of eligibility from the United States Veterans' Administration.

Section 354. Superintendent Not Liable for Detention.—No superintendent or other officer of any institution shall be held personally liable for the detention of any patient who has been received, committed or detained in such institution in compliance with the provisions of this act.

Section 355. When Person Liable for Another's Detention.—No verdict or judgment shall be entered in any action or indictment against any person who is subject to the provisions of this act and who has complied with

its requirements for the detention of any person as a patient in any institution without compliance with this act, unless the court, after trial and verdict, certifies that there was proof that the person charged acted with gross negligence or corruptly, or without reasonable or probable cause, or was actuated by motives other than the good of the person restrained.

Article IV.

Transfer of Patients.

Section 401. Transfer from One Institution to Another.—(a) The department may, in its discretion, and for any reason which to it seems sufficient, transfer any patient from any institution to which the patient has been admitted under any of the provisions of this act to any other like institution within the Commonwealth.

(b) No transfer shall be made to or from a private institution except upon the joint application of the superintendent thereof and of the legal or natural guardian or other person liable for the support of the patient.

(c) No patient under sentence by any court, or committed by any court after having been charged with any crime and acquitted on the ground of insanity, may be transferred without an order of such court authorizing such transfer.

(d) A voluntary patient may be transferred only if the patient has consented in writing to such transfer.

(e) Whenever any patient, not a convict, who has been committed by order of a court, is transferred, the order of commitment shall be held to apply to the institution to which the patient is transferred as though the institution had been the one to which the order of commitment had originally been made.

Section 402. Papers to Accompany Patient on Transfer.—Whenever any patient is transferred, certified copies of the application, of the certificate of physicians, or report of commission, and of the order of court, if any, and the order of the department authorizing the transfer, shall accompany the patient to the institution to which he is transferred, together with a copy of all clinical records or a full abstract thereof containing all essential particulars, including results of mental and physical examinations and laboratory tests relating to the patient.

Section 403. Transfer of Patient Requiring Different Care.—Whenever the superintendent of any institution finds that any patient therein needs care in an institution for patients of a different kind, he shall report the facts relative to the patient to the department. The department may order that application be made for the ad-

mission of the patient to any proper institution by any of the procedures provided by this act for admission of patients to such institution.

Section 404. Transfer of Non-Residents.—(a) If, upon investigation, the department finds that any patient supported wholly or in part at the expense of the Commonwealth is not a legal resident of this Commonwealth, it may, by order addressed to the trustees or the superintendent of the institution to which such patient has been admitted, return him to that state or country in which he has a legal residence or where he belongs.

(b) Any patient returned to another state or country shall be suitably clothed and, unless he is fully competent to travel alone, shall be attended by a person of his own sex, who shall exercise due care over him until he has reached the destination agreed upon by the department and the proper authorities of the state or country to which he is returned. If competent to travel alone, and unable to pay the costs of travel, he shall be furnished with funds sufficient for sustenance and travel to the destination agreed upon.

Section 405. Interstate Agreements.—The department may enter into the agreements with the authorities of other states which have legislation consistent with this act, for the arbitration of disputed questions between such states and this Commonwealth respecting the residence of patients and for the return of patients to their proper residences.

Section 406. Determination of Residence by Department.—Whenever any indigent patient is to be returned to the Commonwealth by the proper authorities of another state, or whenever any patient is to be transferred by the department from one institution district to another, the legal residence of the patient may be determined by the department, and the commitment of such person shall be made in accordance with such determination. The determination of the department shall be binding unless and until changed by a court of competent jurisdiction.

Section 407. Transfer of Patient to United States Veterans' Hospital.—Any veteran of any war, military occupation or expedition who has been committed to an institution within the Commonwealth prior to the passage of this act, who is eligible for treatment in a United States Veterans' Hospital, and who is actually confined in an institution, or on parole, may be transferred to a United States Veterans' Hospital by order of the superintendent of the institution in which the veteran is confined, or by order of the department if such veteran is on parole, or, in either case, by order of the court which committed the veteran.

Article V.

Escapes and Interstate Extradition.

Section 501. Escapes.—Any patient who escapes from an institution may be apprehended and returned thereto by any sheriff, constable or police officer, or by any officer or employe of the institution, at the expense of the institution.

Section 502. Application for Extradition of Escaped Patient.—The Governor may, upon demand, deliver to the executive of any other state, any patient who has escaped from an institution to which he has been admitted under the laws of such state and who may be dangerous to the safety of the public, or may, upon application, appoint an agent to demand of the executive authority of any other state any patient who has escaped from an institution in this Commonwealth. The demand or application shall be accompanied by an attested copy of the commitment, and sworn evidence of the superintendent of the institution stating that the patient demanded has escaped from the institution within six months preceding the date of the application or demand, and by such further evidence as the Governor may require.

Section 503. Warrant for Extradition; Habeas Corpus; Penalty.—(a) If the Governor is satisfied that the demand conforms to law and ought to be complied with, he shall issue his warrant, under the seal of the Commonwealth, to an officer authorized to serve warrants in criminal cases, directing him, at the expense of the agent who makes the demand at the time designated in the warrant, to take and transport the patient to the boundary line of the Commonwealth and there deliver him to such agent. For this purpose the officer may require aid as in criminal cases.

(b) No person so arrested shall be delivered to the agent of another state until he has been notified of the demand for his surrender and has had an opportunity to apply for a writ of habeas corpus, if he claims the right of the officer who makes the arrest. If such writ is applied for, notice thereof and the time and place of hearing shall be given to the Attorney General or district attorney for the county in which the arrest is made. Pending the determination of the court on the application for the writ, the person shall be detained in custody in a suitable institution.

(c) Any officer who delivers a person in his custody to an agent for extradition without having complied with the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than one thousand dollars (\$1000).

Article VI.

Discharge, Leaves of Absence and Boarding
Out of Patients.

(a) Discharge.

Section 601. Discharge by Trustees and Superintendents.—(a) The trustees of any institution, or the superintendent when given authority by the trustees, may discharge any patient from the institution if, in their or his opinion, no harm will arise from the action. No patient shall be discharged until notice of the action has been given to the Department of Revenue. The following patients shall not be discharged:

(1) A patient under sentence for crime, or charged with crime and acquitted on the ground of insanity, without an order of the court in which he was sentenced or acquitted.

(2) A patient known to be homicidal or otherwise dangerous to be at large, without examination by and consent of the department, nor without a sufficient guarantee by the person liable for his support and care that the safety of the public or any individual will be safeguarded.

(3) A patient whose parent, guardian or friend liable for his support opposes his discharge, without notice to the parent, guardian or friend, and an opportunity to state his reasons.

(4) A mental defective or inebriate committed by order of court, without the recommendation of the chief medical officer in charge and an order of the court. The provisions of this clause do not apply to a person discharged by lapse of time from leave of absence or escape, or to an inebriate who has been under hospital care for one year.

(5) A mental defective who prior to his transfer to an institution for mental defectives has been arraigned and convicted or in custody on a criminal charge, before he might have been discharged from the penal or correctional institution from which he was originally transferred to the institution for mental defectives.

Section 602. Return of Mental Defectives to Institution District.—A mental defective forty-five years of age and over, not having criminal tendencies and no longer requiring care in a school for mental defectives, may be returned by the department, upon recommendation of the superintendent and trustees, to the institution district of the county to which he belongs. If committed by a court, the consent of the court shall be obtained.

Section 603. Discharge by Department.—The department may, in its discretion, order and compel the discharge from any institution of any patient, except

a criminal under sentence, or a person charged with any crime and acquitted on the ground of insanity. Before issuing such order, the department shall give due notice to the trustees or superintendent of the institution wherein the patient is under care and to the person at whose instance the said patient is detained, and shall give reasonable opportunity to such trustees or superintendent and person to justify further detention of the said patient.

Section 604. Discharge by Order of Court.—(a) Any court may order and compel the discharge of any patient committed by the court to any institution if, upon hearing, it appears that such discharge is for the best interest of the patient and not incompatible with the public welfare and safety.

(b) Before ordering a discharge, the court shall require that notice of the application be given to the Department of Revenue.

(c) In making an order not in accordance with the expressed opinion of the superintendent of the institution, the court shall set forth the reasons for its decision, which reasons shall be part of the order. The order and reasons and the opinion of the superintendent shall be entered in the clinical record of the patient.

(d) The court may, in its discretion, admit in evidence the sworn statement of the superintendent or the physician in charge of the patient as to the condition of the patient, without requiring the appearance and personal examination of the superintendent or physician.

Section 605. Discharge by Lapse of Time.—(a) Any patient, except a criminal under sentence, or one charged with crime and acquitted on the ground of insanity, who has been continuously absent, with or without leave, for a period of twelve months from the institution in which he was under care, shall be deemed to be discharged therefrom, and cannot be readmitted except as provided by this act for admission or commitment.

(b) The provisions of this section shall not apply to a mental defective who is on indefinite leave of absence, when away from the institution. Unless formally discharged, such mental defective may be returned to the institution without a new commitment.

(b) Leaves of Absence.

Section 611. Leaves of Absence.—(a) The superintendent of any institution, in his discretion, may allow a leave of absence to any patient whose condition is such as to warrant the action, for a period not exceeding twelve months, and upon such conditions as he may prescribe not inconsistent with the provisions for discharge of patients as provided in this act.

(b) Leaves of absence may be terminated by the superintendent who may, if necessary, authorize the ap-

prehension and return of the patient by any sheriff, constable or police officer, who shall apprehend and return the patient.

(c) Boarding Out.

Section 616. Boarding Out of Patients.—(a) The superintendent and the board of trustees of any State institution may, by contract or otherwise, arrange for the boarding out of committed patients who have no criminal, suicidal or homicidal tendencies, who are not addicted to the use of alcohol or narcotics, and who, in the opinion of the superintendent and board of trustees, may be otherwise suitable. Such arrangements shall be made only with the approval of and subject to regulations prescribed by the department.

(b) Such patients shall be considered remaining inmates of the State institution and shall be considered as on parole, subject to return should the condition of the patient or other circumstances, in the opinion of the superintendent and the trustees, make such return necessary.

(c) Subject to the approval of the department, patients, if physically and mentally able, may earn the cost of their maintenance or a portion thereof by engaging in suitable employment.

Section 617. Colonies for Mental Defectives.—

(a) Whenever in the judgment of the superintendent and trustees of any State institution for mental defectives, there is a group of patients in such institution of such a character that their interests and the interests of the Commonwealth would be better served through their colonization in a colony outside of the institution, and if such a colony can be established without damage to private property or detriment to the public welfare, these facts may be brought to the attention of the department.

(b) If the department approves, it may authorize the superintendent, with the approval of the trustees of the institution, to establish a colony by the rental or purchase of suitable property.

(c) The patients of the colony may be employed on and about the premises of the colony, or, under supervision, by residents of the community. Strict account shall be kept by the treasurer of the institution of the cost of administration thereof, of the wages of the patients, and any other direct compensation paid to them, and of all financial transactions of the colony. The superintendent and the trustees of the institution, with the approval of the department, shall determine the wages of the patients, the portion of the wages to be paid the Commonwealth as maintenance reimbursement, the portion to be set aside for the benefit of the patients of the institution or colony, and the portion to be paid the patient.

Article VII.

Costs.

(a) In General.

Section 701. Liability for Costs of Care of Patient.—Except as otherwise specifically provided in this act, liability for all costs of care of any patient in any institution is hereby imposed, in the following order, against—

- (1) The patient's real and personal property;
- (2) The persons liable for the patient's support;
- (3) The Commonwealth or, in the case of an inebriate, the county or institution district in which he resides.

Section 702. Liability for Costs of Care of Convicted Criminal Patient Undergoing Sentence.—(a) Liability for all costs of care of any convicted criminal undergoing sentence prior to the expiration of the term of such sentence is hereby imposed, in the following order, against—

- (1) The county in which such patient was convicted;
 - (2) Such patient's real and personal property;
 - (3) The persons liable for such patient's support.
- (b) Any county paying any costs may recover the same from the patient's estate or the persons liable for his support, but not from the institution district of his residence.

Section 703. Court Order for Payment of Costs.—(a) When any patient is committed by order of court, the committing court, at the time of commitment, shall make an order for the payment of the costs of care of the patient.

(b) When any patient is or has been admitted to any institution, any court of the county in which the patient resided prior to his admission shall have power to make an order for the payment of the costs of care of the patient.

(c) Before making any order, the court shall take into consideration the ability to pay of the patient or the persons liable for his support.

(d) Any court having the power or duty to make an order shall have the power or duty to modify or revise the order from time to time, on cause shown.

(e) Every order shall be entered in the prothonotary's office, and shall have the effect of a judgment.

Section 704. Reports of Guardians, etc., to Department of Revenue.—(a) Every trustee, committee, guardian or other person nominated or appointed to take charge of the estate of any patient in any State institution, or of any patient receiving public funds in any private institution, within three months after his appointment, shall make a report, under oath, to the Department of Revenue what changes, if any, there are in the estate.

(b) Every executor or administrator of any deceased patient in any State institution, or of any patient receiving public funds in any private institution, within three months after letters testamentary or of administration have been issued, shall make a true, full and complete report, under oath, to the Department of Revenue of the extent and character of the estate.

(c) Whenever any fiduciary shall file in any court an account of his administration of such property or estate, he shall file a duplicate of his account with the Department of Revenue. No account shall be confirmed, except upon proof to the court of the filing of a copy with the Department of Revenue. The fiduciary shall also notify the Department of Revenue when, where and by whom his account will be audited. No report of the auditor or final adjudication thereof by any court shall be confirmed, except after proof to the court of the giving of such notice.

(d) Any person failing to make any report to the Department of Revenue hereby required shall be personally liable for such amount due the Commonwealth, which amount may be recovered by suit brought in the name of the Commonwealth, through the Department of Justice, in the same manner as other debts are recoverable.

Section 705. Investigation of Financial Status of Patient.—Whenever any person is maintained as a patient in any institution wholly or in part at the expense of the Commonwealth, the Department of Revenue may investigate the financial ability of the patient or of the person liable for his support to defray the expenses of his care in whole or in part. If, upon investigation by the Department of Revenue, it appears that the patient's estate or the financial ability of the persons liable for his support are such that the full cost of his care or a part thereof can be paid, the Department of Revenue shall require the payment of same if the patient was admitted upon voluntary application, or, if the patient was committed by order of court, the Department of Revenue, through the Department of Justice, shall ask the court to revise its order so as to provide for the payment of the care in full or in part, as the case may be.

Section 706. Collection of Costs.—(a) All moneys due the Commonwealth from the estate of a patient or the persons liable for the patient's support for his care in an institution owned and operated by the Commonwealth shall be collected by the Department of Revenue as collection agency for such institution, and shall be promptly transmitted by the Department of Revenue to the State Treasurer.

(b) Where there is a claim against the estate of any indigent patient or the persons liable for his support on

behalf of any political subdivision or ward for his care in any institution, either owned and operated by the Commonwealth, or, prior to its transfer to the Commonwealth, owned and operated by such political subdivision or ward, the political subdivision or ward shall collect such claim from said estate.

(c) Where there is a claim against the estate of any indigent patient or the persons liable for his support, both on behalf of the Commonwealth and on behalf of any political subdivision or ward, and there is not sufficient in the estate to pay the claim in full, the same shall be paid pro rata to the Commonwealth and to the political subdivision or ward in proportion to the amount of their respective claims.

(d) For amounts due the Commonwealth from the counties for the care of criminal patients in an institution owned and operated by the Commonwealth, the Department of Revenue, after the last day of each calendar month, shall promptly transmit to the county commissioners of the several counties a certified account of the expenses of the care of such patients for the calendar month, together with an order, payable to the Department of Revenue, drawn on the county commissioners of the county, who shall accept and promptly pay same to the Department of Revenue.

(b) Admission and Commitment.

Section 716. Admission and Commitment Costs.—Costs of admission and commitment shall include—

- (1) Removal of the patient to the institution.
- (2) Fees of physicians or commission.
- (3) All other necessary expenses incurred in connection with such admission or commitment.

Section 717. Payment of Costs of Commitment Proceedings Adverse to Petitioners.—When any commission appointed by a court to report on the mental illness of any person finds that the person is not mentally ill or is not a fit subject for care in an institution, or otherwise reports adversely to the petitioners for the commitment, the appointing court may impose the costs of the proceedings upon the county in which such person resides.

Section 718. Payment of Costs of Admission and Commitment When Patient, etc., Unable.—Whenever the patient or persons liable for his support are unable to pay the whole or any part of the costs of his admission or commitment, the institution district of which the patient is a resident shall be liable for the unpaid amount of such costs.

Section 719. Patient Detained for Temporary Care.—(a) Costs of admission of any person admitted to an institution for temporary care shall include those for his maintenance during the temporary period and removal

if he is removed during the period. The person applying for temporary detention shall be liable for the costs.

(b) When any patient admitted for temporary care is committed, the costs of the commitment shall include the expenses incident to his admission for temporary care.

Section 720. Costs of Admission of Dangerous Person.—(a) The applicant for the admission of any patient who is alleged to be dangerous or violent, or whose case is otherwise of an emergency nature, shall be liable for the costs of his admission or commitment.

(b) If the applicant does not have the patient committed during the period of temporary detention, or does not remove him, and if the patient is not voluntarily admitted, the applicant shall be liable for all costs incident to the care of the patient in the institution.

Section 721. Costs of Commitment of Persons Charged with Crime, etc., Not Undergoing Sentence.—(a) The costs of commitment and removal to or from a mental hospital of any person charged with a criminal offense but who is not in custody, or who is arraigned or brought before the court under any other circumstances, or of any prisoner who, before or during trial, is found or thought to be mentally ill or in such condition as to make it necessary that he be cared for in a mental hospital, shall be paid by the county in which the person or prisoner is committed.

(b) Whenever any person convicted of any crime but not sentenced, or charged with any crime and acquitted on the ground of insanity, is committed to any mental hospital, the costs of commitment and of removal to or from the hospital shall be paid by the county in which the crime was committed.

(c) In any case, the county may recover costs paid by it from the estate of the patient or from the persons liable for his support, but not from any institution district.

(c) Maintenance.

Section 726. Mental Defectives and Epileptics in Schools.—(a) No superintendent *of any school shall accept an application for the admission of any mental defective or epileptic until the Department of Revenue has fixed the amount, if any, to be paid for the maintenance of the patient. The amount shall be fixed according to the ability to pay of the parent of the patient, or according to the value of his estate. Payment of the amount, so far as there is ability to pay, shall be required as a condition to the admission or detention of the patient. The amount may be changed from time to time by the Department of Revenue upon its receiving further information concerning ability to pay.

* "or" in original.

(b) When neither the patient nor his parent has the ability to pay for his maintenance in the school, his maintenance 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, after submission to and approval by the department.

(d) Transfer.

Section 731. Costs of Transfer.—Whenever any patient is transferred under the provisions of this act, the cost of transfer or removal shall be paid by the patient, or by the persons liable for his support if the transfer was made at the request of such person. Otherwise, the costs shall be paid out of the appropriations for the care, treatment and removal of indigent patients, made to the department.

Section 732. Costs of Returning Non-Residents.—The actual expenses of returning a patient who is a non-resident of the Commonwealth to the place of his residence shall include travel costs and sustenance during travel. All costs shall be paid by the Commonwealth.

(e) Leave of Absence and Discharge.

Section 736. Costs of Return Leave of Absence.—Whenever the leave of absence of any patient is terminated by a superintendent, the costs incurred by any sheriff, constable or police officer in apprehending and returning the patient shall be paid by the person in whose charge the patient was allowed to leave. If such person is unable to pay the costs, they shall be paid by the person liable for the costs of care charged to the patient.

Section 737. Payment of Traveling Expenses of Certain Patients Discharged.—If any patient in an institution is ordered by the department to be discharged and such patient and the persons liable for his support are financially unable to pay the costs relating to discharge, the superintendent of the institution shall pay his traveling expenses to his home. The institution shall be reimbursed by the Commonwealth from current appropriations.

(f) Other Costs.

Section 741. Expenses of Extradition.—If the application for the arrest of a patient escaped from any institution in this Commonwealth to another state is granted and an agent is appointed for the purpose of returning the patient, the account of the agent shall be paid by the institution from which the patient escaped, but the Governor may direct the whole or any part of the account to be paid by the Commonwealth.

Section 742. Costs of Habeas Corpus Proceedings.—The respondent in any writ of habeas corpus shall be liable for the costs and charges of every habeas corpus proceeding instituted on behalf of any patient, unless the court certifies that there were sufficient grounds for detaining the patient.

Article VIII.

Miscellaneous Provisions Relating to Patients and Institutions.

(a) Patients.

Section 801. Rights of Patient.—Every patient in any institution shall have the right—

(1) To communicate with and to be alone at any interview with his counsel or representative of the department.

(2) To religious freedom, and to be visited by any minister of any religious denomination. Religious services rendered by such minister shall be personal to the patient desiring the same and shall not interfere with the established order of religious services in the institution.

(3) To be employed at a useful occupation in so far as the condition of the patient may permit and the institution is able to furnish useful employment to the patient.

(4) In the discretion of the superintendent, to sell articles, the product of his individual skill and labor, and the produce of any small individual plot of ground which may be assigned to and cultivated by him, and to keep or expend the proceeds thereof or send the same to his family.

(5) To be furnished with writing materials and reasonable opportunity, in the discretion of the superintendent, for communicating, under seal, with any person outside of the institution. Communications shall be stamped and mailed.

(6) To be discharged as soon as he is restored to reason and competent to manage his own affairs.

(7) To be visited and examined at all reasonable hours by any medical practitioner designated by him or by any member of his family or "near friend," with the sanction of a court of the county in which he resided prior to his commitment to such institution. With the consent of the patient and of the superintendent, the medical practitioner may attend the patient for all maladies, other than mental illness, in the same manner as if the patient were in his own home.

Section 802. Habeas Corpus.—(a) Any patient or person acting on his behalf may petition any court for a writ of habeas corpus on the grounds that the patient

is unjustly deprived of his liberty. The petition shall be in writing and shall be sworn to or affirmed.

(b) On the petition, the court shall issue a writ of habeas corpus requiring the patient to be brought before the court for a public hearing, where the question of his mental illness, mental deficiency, epilepsy or inebriety may be determined. The burden of proof shall rest upon the persons responsible for his admission or commitment.

Section 803. Female Patients.—(a) Whenever any female patient is to be removed to or from her home or any institution, and whenever any such patient is transferred, she shall be accompanied by a female *attendant, unless such patient is accompanied by a member of her family.

(b) The court committing such patient, or if such patient has not been committed by the court, the persons liable for her support, shall provide a female attendant for her.

Section 804. Employment of Patients.—(a) All inmates of any institution which is wholly or in part maintained by the Commonwealth may make, manufacture or produce supplies, manufactured articles, goods and products for the institution, or for the Commonwealth, or for any political subdivision, or any State institution, or any educational or charitable institution receiving aid from the Commonwealth.

(b) All the manufactured goods manufactured in institutions shall bear a stamp giving the full name or title of the institution wherein the goods were manufactured.

(c) Supplies, manufactured articles, goods and products so made, manufactured or produced, may be sold or exchanged to or with the Commonwealth, or any political subdivision, or any State institution, or any educational or charitable institution receiving aid from the Commonwealth. In the case of State institutions, the proceeds of any sales of products shall be collected by the Department of Revenue, to be by it transmitted to the State Treasurer. Each board of trustees shall keep an accurate record of the dates, quantities and prices of all sales made hereunder, which record shall at all times be subject to examination and audit by the Auditor General.

(d) Any trustee or superintendent, or other person connected with the management or control of any institution, who violates any of the provisions of this section by permitting any supplies, manufactured articles, goods, or products to be sold or exchanged in any other way, except as herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sen-

* "attendent" in original.

tenced to pay a fine of not more than five hundred dollars (\$500).

Section 805. Effect of Admission, etc., to United States Veterans' Hospital.—Any veteran, after admission to a United States Veterans' Hospital, either upon commitment or transfer under the provisions of this act, shall be subject to the rules and regulations of such hospital. The chief officers thereof, or of any similar United States Veterans' Hospital to which the veteran may thereafter be transferred, shall be vested with the same powers authorized by law to be exercised by a superintendent in this Commonwealth, with reference to retention of custody or of discharge of the veteran so committed or transferred. Any discharge granted by such chief officer upon a certificate of sanity shall have the same effect as that granted by a superintendent or by the department under the provisions of this act.

(b) Officers of Institutions.

Section 811. Statement of Officer of Institution as to Condition of Patient.—Whenever the superintendent or any physician or psychiatrist of any State-owned mental hospital, or manager of a veterans' administration hospital, is required to appear and testify before any court or commission issued out of such court in a civil proceeding relating to the mental condition of any patient in his charge in such hospital, the deposition of or sworn statement by such superintendent, manager, physician or psychiatrist may be admissible in evidence as to the condition of the patient in lieu of the appearance and testimony of the superintendent, manager, physician or psychiatrist in court or before a commission, unless by special order the court directs and requires the appearance and testimony in person of such superintendent, manager, physician or psychiatrist.

Section 812. Payment of Cash Balance to Patient at Discharge.—Upon discharge from an institution, the superintendent shall determine whether any balance to the credit of a patient shall be immediately paid over to the discharged patient or his guardian, or shall be held in trust by the treasurer of the institution until such time as, in the judgment of the department, it would serve the best interests of the patient to pay to him or to his guardian the balance or any part thereof.

(c) Penalties.

Section 821. Penalty for Furnishing Liquor.—Any person who delivers or causes to be delivered any alcoholic or other intoxicating or narcotic substance to any patient in any institution or psychopathic department or ward of a general hospital, without the knowledge or consent of the superintendent thereof, is guilty of a mis-

demeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed fifty dollars (\$50), or to undergo imprisonment not to exceed three months, or both.

Section 822. Penalty for Furnishing Weapons.—Any person who, directly or indirectly, sells, gives or furnishes to any patient in any institution, any weapon or other instrument which may be used to injure any person in such institution, is guilty of a felony, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed one thousand dollars (\$1,000), or to undergo imprisonment not to exceed five years, or both.

Article IX.

Guardian Of The Person.

(a) Appointment.

Section 901. Petition for Appointment of a Guardian of the Person.—(a) When any person domiciled in this Commonwealth is or is thought to be mentally ill, mentally defective, epileptic or inebriate, any of his relatives by blood or marriage, or other responsible person, may petition the court of the county of his residence for the appointment of a guardian of the person for him, in the interest of his safety and well-being.

(b) Upon receipt of any petition, after notice to the person alleged to be mentally ill, mentally defective, epileptic or inebriate, and to such other persons as the court may direct, the court shall set a day for a hearing.

(c) The person for whom the guardian is requested shall be present at the hearing, unless the court is satisfied by the presentation of positive testimony that he cannot be brought into court with safety to himself.

Section 902. Jury Trial on Request.—Any person in whose interest a proceeding for the appointment of a guardian of the person has been taken shall be entitled to a trial by a jury on the fact of his alleged mental illness, mental defectiveness, epilepsy or inebriety.

Section 903. Appointment of Guardian; Exclusiveness.—(a) If the court finds, after hearing or trial, that the appointment of a guardian of the person is necessary for the safety and well-being of the person in whose interest the petition has been presented, it shall appoint a guardian.

(b) When a court has appointed a guardian of the person in accordance with this act, no other court shall appoint a similar guardian within the Commonwealth.

Section 904. Qualifications for Appointment as Guardian.—The court shall not appoint any natural person as guardian of the person who is less than twenty-one years of age or who is not qualified to have the care

and custody of the ward. Any institution maintaining or having the care and custody of the patient may be appointed guardian of the person.

(b) Removal; Discharge.

Section 911. Grounds for Removal.—The appointing court shall have exclusive power to remove a guardian of the person when—

(1) He has failed to perform any duties imposed by law; or,

(2) He has been adjudged mentally ill, mentally defective, inebriate or epileptic; or,

(3) He has become unable to discharge the duties of his office because of sickness or physical or mental incapacity; or,

(4) He has removed from the Commonwealth, or has ceased to have a known place of residence therein; or,

(5) For any other reason, the interests of the person for whom he has been appointed guardian are likely to be jeopardized by his continuance in office.

Section 912. Removal of Guardian.—The court on its own motion may, and on the petition of any interested person alleging adequate grounds for removal shall, order the guardian to appear and show cause why he should not be removed, or, when necessary to protect the ward, may summarily remove him. Upon removal, the court may appoint a new guardian of the person for the ward. Any guardian summarily removed may apply by petition to have the decree of removal vacated and to be reinstated, and if the court vacates the decree of removal and reinstates him, it shall make any orders appropriate to accomplish the reinstatement.

Section 913. Discharge of Guardian.—The appointing court shall have exclusive power to discharge, by appropriate order, any guardian of the person—

(1) Upon petition of and proof by the ward that he is no longer mentally ill, mentally defective, epileptic or inebriate; or,

(2) Upon petition of the guardian while the ward is still mentally ill, mentally defective, epileptic or inebriate, accompanied by a petition for the appointment of a new guardian, or by proof that no new guardian need be appointed. No guardian shall be discharged on his own petition until the court appoints a substitute guardian or determines that no new guardian need be appointed.

(c) Duties and Authority of Guardian.

Section 916. Orders for Care and Custody.—When a court has appointed a guardian of the person for any one found to be mentally ill, mentally defective, epileptic or inebriate, it may make and modify such orders for his care and custody as it deems necessary.

Section 917. Filing of Inventory.—If no guardian of the estate has been appointed for the ward, the guardian of the person, within forty days of his appointment, shall file in the office of the prothonotary an inventory, complete to his knowledge, of all the property of the ward, and shall file a supplemental inventory for any other such property which afterwards comes into his possession.

Section 918. Filing Account.—Whenever a guardian of the person is appointed separately from a guardian of the estate for a person mentally ill, mentally deficient, epileptic or inebriate, he shall settle an account of his transactions as such in the office of the prothonotary whenever the appointing court so orders.

(d) Costs.

Section 921. Costs of Proceedings for Appointment, etc., of Guardian of the Person.—(a) In every proceeding for the appointment of a guardian of the person under this act, the appointing court shall order payment of the costs of proceeding by any of the interested parties, in such proportions as it may direct.

(b) Whenever in such a proceeding the court finds the petition for a guardian of the person unfounded or unnecessary, it shall order payment of all costs by the petitioner.

Article X.

Repeals.

Section 1001. Specific Repeals.—The following acts and parts of acts and all amendments and reenactments thereof are hereby repealed to the extent hereinafter specified.

(1) Acts Relating to Mental Health Generally.

Sections three, seven, ten and eleven of the act, approved the twentieth day of April, one thousand eight hundred sixty-nine (Pamphlet Laws 78), entitled "An act to provide for the admission of certain classes of the insane into hospitals for the insane in this Commonwealth, and their discharge therefrom," absolutely.

The act, approved the twenty-seventh day of April, one thousand eight hundred seventy-four (Pamphlet Laws 114), entitled "An act to make appropriations for the Pennsylvania State Lunatic Hospital at Harrisburg," absolutely.

The act, approved the twenty-third day of March, one thousand eight hundred seventy-six (Pamphlet Laws 8), entitled "A further supplement to an act to provide for the admission of certain classes of the insane into hospitals for the insane in this commonwealth, and their discharge therefrom, approved April twentieth, Anno Domini one thousand eight hundred and sixty-nine," absolutely.

The act, approved the eighth day of May, one thousand eight hundred eighty-nine (Pamphlet Laws 127), entitled "A supplement to the act of April twentieth, one thousand eight hundred and sixty-nine, entitled 'An act to provide for the admission of certain classes of the insane into hospitals for the insane in this Commonwealth, and their discharge therefrom,' fixing the amount of compensation to be paid to the commissioners appointed under section six of said act, and declaring who shall be liable therefor, and for the costs of proceedings under said section," absolutely.

The act, approved the twenty-first day of May, one thousand eight hundred eighty-nine (Pamphlet Laws 258), entitled "A supplement to an act 'to provide for the care and treatment of the indigent insane of the several counties of the Commonwealth, in State hospitals for the insane,' approved the thirteenth day of June, Anno Domini one thousand eight hundred and eighty-three," absolutely.

The act, approved the twenty-fifth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 270), entitled "An act to define who shall be responsible for the maintenance of patients placed in hospitals for the insane by courts and judges in the different counties of this Commonwealth," absolutely.

Sections two and three of the act, approved the eighteenth day of July, one thousand nine hundred one (Pamphlet Laws 674), entitled "An act to carry out the provisions of acts of Assembly relating to the care and treatment of the indigent insane, approved the thirteenth day of June, one thousand eight hundred and eighty-three, and the twenty-second day of June, one thousand eight hundred and ninety-one, and the twenty-sixth day of June, one thousand eight hundred and ninety-five, and the twenty-fifth day of May, one thousand eight hundred and ninety-seven, and the tenth day of May, one thousand eight hundred and ninety-nine, and making an appropriation therefor; and providing for an additional appropriation for the care and detention of chronic insane, under the provisions of the act approved the twenty-second day of June, one thousand eight hundred and ninety-one, during the two fiscal years beginning June first, one thousand nine hundred and one," absolutely.

The act, approved the sixteenth day of April, one thousand nine hundred three (Pamphlet Laws 211), entitled "An act to authorize and provide for the commitment of persons habitually addicted to the use of alcoholic drink or intoxicating drugs to a proper hospital or asylum, for restraint, care and treatment," absolutely.

The act, approved the twenty-eighth day of May, one thousand nine hundred seven (Pamphlet Laws 290), entitled "An act to provide for the employment of the insane, feeble-minded, and epileptic persons confined in institutions, wholly or in part maintained by the State, for the care and treatment of the insane, feeble-minded, and epileptic persons; and providing for the distribution of the supplies, manufactured articles, goods, and products made in State institutions for the care of the insane, feeble-minded, and epileptic persons," absolutely.

The act, approved the twentieth day of June, one thousand nine hundred eleven (Pamphlet Laws 1076), entitled "An act permitting in certain cases imposition of costs upon the proper county, in proceedings for the commitment of an alleged insane person," absolutely.

The act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws 1306), entitled "An act to provide for the selection of a site and the erection of a State institution for the detention, care and treatment of inebriates, or persons habitually addicted to the use of alcoholic drink or intoxicating drugs, to be called the State Institution for Inebriates, and making an appropriation *therefor," absolutely.

Sections one through six and section eight of the act, approved the fourteenth day of April, one thousand nine hundred fifteen (Pamphlet Laws 120), entitled "An act relating to persons habitually addicted to the use of alcohol or drugs, and providing for the care and treatment of such persons at the expense of the county and State if indigent," absolutely.

The act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 661), entitled "An act relating to the maintenance of insane, feeble-minded, and other persons confined in the various institutions of the Commonwealth; fixing liability for their support; providing for the collection of the moneys due the Commonwealth therefor, and for proceedings relating thereto," in so far as inconsistent with the provisions of this act.

The act, approved the twenty-sixth day of April, one thousand nine hundred seventeen (Pamphlet Laws 106), entitled "An act authorizing trustees of the insane, or directors or overseers of the poor, to provide a building or rooms for the care, treatment, and maintenance of persons temporarily mentally deranged," absolutely.

Section two of the act, approved the twenty-fifth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1212), entitled "A supplement to an act approved the twenty-fifth day of July, one thousand nine hundred and thirteen, entitled 'An act to provide for the selec-

* "therefore" in original.

tion of a site and the erection of a State institution for the detention, care, and treatment of inebriates, or persons habitually addicted to the use of alcoholic drink or intoxicating drugs, to be called the State Institution for Inebriates, and making an appropriation therefor; making an appropriation, and providing for the admission of patients to said institution, and providing for the payment of the costs and fees of hearings and of maintenance of patients by the respective counties," absolutely.

The act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws 998), 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," absolutely.

The act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 487), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons," absolutely.

The act, approved the twenty-sixth day of March, one thousand nine hundred thirty-one (Pamphlet Laws 8), entitled "An act empowering courts to order the release of criminal insane for deportation by the United States," absolutely.

The act, approved the second day of May, one thousand nine hundred thirty-three (Pamphlet Laws 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," absolutely.

The act, approved the fifteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1005), entitled "An act requiring authorities in charge of State, State-aid, or county institutions, offering treatment to mental patients, to furnish certain information to the Department of Military Affairs," absolutely.

Sections two through 8.1 inclusive of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (Pamphlet Laws 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," absolutely.

The act, approved the eighteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 815), entitled "An act authorizing the Department of Welfare, with the approval of the Governor, to establish additional institutions, or to relocate present institutions for the care and treatment of persons afflicted with mental disorders, or for the detention of persons sentenced by the courts; authorizing the Department of Property and Supplies to acquire by purchase or condemnation certain sites for such institutions and to improve or erect buildings thereon; providing for the administration of, relocated *or new institutions; and empowering the Board of Commissioners of Public Grounds and Buildings to dispose of institutions no longer used," in so far as it relates to institutions for the care of persons afflicted with mental disorders.

The act, approved the twenty-ninth day of May, one thousand nine-hundred forty-five (Pamphlet Laws 1190), entitled "An act authorizing the transferring to the Commonwealth of the properties and possessions of corporations formed for the support of a hospital for the insane, and the disposition of unexpended moneys theretofore appropriated to such corporations," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws

* "of" in original.

293), entitled "An act permitting certain personnel of State-owned mental hospitals to certify as to the condition of mental patients in lieu of attendance in person before any court in certain cases," absolutely.

- (2) Acts Relating to the Appointment, Etc., of a Guardian of the Person for Persons Mentally Ill, Mentally Defective, Epileptic or Inebriate.

Sections one through fourteen, sixteen through nineteen, forty-one, forty-two, and sixty-three through sixty-seven of the act, approved the thirteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws 589), entitled "An act relating to lunatics and habitual drunkards," in so far as inconsistent with the provisions of this act.

Section two of the act, approved the sixteenth day of April, one thousand eight hundred forty-nine (Pamphlet Laws 663), entitled "A supplement to the act relating to lunatics and habitual drunkards; to punish aldermen and justices of the peace for *misdemeanors; relating to arbitrations in the district court in the city and county of Philadelphia; relative to deeds of assignment; relative to ** judgment liens; relating to limitation of actions; and relating to liens and terre tenants; and for the more effectual ***punishment of the crime of arson," absolutely.

Section seven of the act, approved the fifteenth day of April, one thousand eight hundred fifty-one (Pamphlet Laws 713), entitled "An act to annul the marriage contract between William Mead and Eliza his wife, to the uniformed militia of Perry and Luzerne counties, to the Cumberland Valley railroad, to the sale of the real estate of John Berge, deceased, to lunatics and habitual drunkards, and to the Susquehanna Canal Company," absolutely.

The act, approved the eighth day of May, one thousand eight hundred seventy-four (Pamphlet Laws 122, (Act No. 55)), entitled "An act limiting the time within which inquisitions of lunacy or habitual drunkenness may be traversed," absolutely.

The act, approved the tenth day of June, one thousand eight hundred ninety-seven (Pamphlet Laws 137), entitled "An act giving priority in the trial of lunacy cases traversing inquisitions of sheriff's juries in the courts of this Commonwealth," absolutely.

The act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws 301, (Act No. 234)), entitled "An act regulating applications for commissions to inquire into the lunacy or

* "misdemeanor" in original.

** "judgments" in original.

*** "punishment" in original.

habitual drunkenness of inmates of any soldiers' and sailors' home, almshouse, home for the friendless, or other charitable *institution," absolutely.

(3) Acts Relating to the Several State Institutions.

The act, approved the fourth day of March, one thousand eight hundred forty-one (Pamphlet Laws 57), entitled "An act to establish an Asylum for the Insane of this Commonwealth," absolutely.

Sections two through seventeen of the act, approved the fourteenth day of April, one thousand eight hundred forty-five (Pamphlet Laws 440), entitled "An act to establish an asylum for the insane poor of this commonwealth, to be called 'The Pennsylvania State Lunatic Hospital and Union Asylum for the Insane.'" absolutely.

The act, approved the eleventh day of April, one thousand eight hundred forty-eight (Pamphlet Laws 535), entitled "A supplement to the act to establish an asylum for the insane poor of this commonwealth, passed April fourteenth, one thousand eight hundred and forty-five," absolutely.

The act, approved the seventh day of April, one thousand eight hundred forty-nine (Pamphlet Laws 462), entitled "A further supplement to the act relative to the Pennsylvania State lunatic hospital, passed April fourteenth, one thousand eight hundred and forty-five," absolutely.

Section five of the act, approved the eighth day of April, one thousand eight hundred sixty-one (Pamphlet Laws 248), entitled "A supplement to the several acts of Assembly relative to the Pennsylvania State Lunatic Hospital," absolutely.

The act, approved the twenty-seventh day of March, one thousand eight hundred seventy-three (Pamphlet Laws 54), entitled "An act to organize the State Hospital for the insane at Danville, and provide for the government and management of the same," absolutely.

Sections one, two, and four through twelve of the act, approved the fifth day of May, one thousand eight hundred seventy-six (Pamphlet Laws 121), entitled "An act to provide for the selection of a site and the erection of a state hospital for the insane for the city and county of Philadelphia, and the counties of Bucks, Montgomery, Delaware, Chester, Northampton and Lehigh, to be called the State Hospital for the Insane for the South-eastern District of Pennsylvania, and for the management of the same," absolutely.

* "Institutions" in original.

The act, approved the eighth day of June, one thousand eight hundred eighty-one (Pamphlet Laws 83), entitled "An act to organize the state hospital for the insane at Warren, Pennsylvania," absolutely.

Sections one, two, and four through seventeen of the act, approved the twenty-second day of June, one thousand eight hundred ninety-one (Pamphlet Laws 379), entitled "An act to provide for the selection of a site and the erection of a State asylum for the chronic insane, to be called the State asylum for the chronic insane of Pennsylvania, and making an appropriation therefor," absolutely.

Sections one, two, four through ten, seventeen through twenty of the act, approved the third day of June, one thousand eight hundred ninety-three (Pamphlet Laws 289), entitled "An act to provide for the selection of a site and the erection of a State institution for the feeble-minded, to be called the Western Pennsylvania State Institution for the Feeble Minded, and making an appropriation therefor," absolutely.

Sections one, two, four through twelve of the act, approved the eighteenth day of July, one thousand nine hundred one (Pamphlet Laws 737), entitled "An act to provide for the selection of a site and the erection of a State Hospital, for the treatment of the insane under homeopathic management, to be called the Homeopathic State Hospital for the Insane, and making an appropriation therefor," absolutely.

Sections one, two, four through nine, sixteen, eighteen, nineteen of the act, approved the fifteenth day of May, one thousand nine hundred three (Pamphlet Laws 446), entitled "An act to provide for the selection of a site and the erection of a State Institution for the Feeble-Minded and Epileptic, to be called The Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic, and making an appropriation therefor," absolutely.

Sections one, two, four through thirteen of the act, approved the eleventh day of May, one thousand nine hundred five (Pamphlet Laws 400), entitled "An act to provide for the selection of a site and the erection of a State Hospital for the treatment and care of the criminal insane, to be called the State Hospital for the Criminal Insane, and making an appropriation therefor," absolutely.

The act, approved the twentieth day of June, one thousand nine hundred eleven (Pamphlet Laws 1090), entitled "An act supplementing an act, approved the fifteenth day of May, Anno Domini one thousand nine hundred and three, entitled 'An act to provide for the selection of a site and the erection of a State Institution

for the Feeble-Minded and Epileptic, to be called the Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic, and making an appropriation therefor,' by abolishing the commission therein established; providing for the completion of said institution; regulating the powers of the board of trustees; and repealing the tenth and seventeenth sections thereof," absolutely.

Section one of the act, approved the twelfth day of June, one thousand nine hundred thirteen (Pamphlet Laws 494), entitled "An act supplementing and amending an act, entitled 'An act to provide for the selection of a site and the erection of a State Institution for the Feeble-Minded and Epileptic, to be called the Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic, and making an appropriation therefor,' approved the fifteenth day of May, Anno Domini one thousand nine hundred and three; prescribing the purposes of said institution; amending the ninth and thirteenth sections of said act, so as to extend the powers of the trustees of said institution and provide for the method of admission to said institution and of discharge therefrom; providing that the court may make orders for the payment for the care and maintenance of certain inmates; providing for the payment for the care and maintenance of indigent inmates of said institution by the Commonwealth, and the payment of the costs of all commitments thereto by the several counties; authorizing transfers of idiotic, feeble-minded, and epileptic persons to and from said institution; and repealing the eleventh, twelfth, fourteenth, and fifteenth sections of said act; and repealing section two of an act, entitled 'An act supplementing an act, approved the fifteenth day of May, Anno Domini one thousand nine hundred and three, entitled "An act to provide for the selection of a site and the erection of a State Institution for the Feeble-Minded and Epileptic, to be called the Eastern Pennsylvania State Institution for the Feeble-Minded and Epileptic, and making an appropriation therefor," by abolishing the commission therein established; providing for the completion of said institution; regulating the powers of the board of trustees; and repealing the tenth and seventeenth sections thereof,' approved the twentieth day of June, Anno Domini one thousand nine hundred and eleven," absolutely.

Sections one, two, four through eleven of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (Pamphlet Laws 1319), entitled "An act to establish a State village for feeble-minded women; providing for the appointment of a board of managers to select a tract of land for that purpose in the State forest

reserve, and to erect and furnish buildings on the same, and to manage said institution; and providing for the commitment thereto of feeble-minded females between the ages of sixteen and forty-five years; defining the powers and duties of the board of managers; and making an appropriation for the purposes aforesaid, also for the expenses of maintenance until June one, one thousand nine hundred and fifteen," absolutely.

Sections two through fourteen of the act, approved the eighteenth day of June, one thousand nine hundred fifteen (Pamphlet Laws 1055), entitled "An act to provide for the selection of a site and the erection of buildings for a State Hospital for the Insane, to be erected west of the Allegheny Mountains, and to be known as the Western State Hospital for the Insane; providing for the management of the same, and making an appropriation for the purchase of said site and the preparation of plans for the construction of buildings for the said hospital," absolutely.

Sections two through fourteen of the act, approved the twenty-fifth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1206), entitled "An act to provide for the selection of a site and the erection of buildings for a State Hospital for the Insane, to be erected east of the Allegheny Mountains, and to be known as the Eastern State Hospital for the Insane; providing for the management of the same, and making an appropriation for the purchase of said site and the preparation of plans for the construction of buildings for the said hospital," absolutely.

The act, approved the eleventh day of May, one thousand nine hundred twenty-one (Pamphlet Laws 502), entitled "A supplement to an act, entitled 'An act to establish an asylum for the insane poor of this Commonwealth to be called 'The Pennsylvania State Lunatic Hospital and Union Asylum for the Insane,' " approved the fourteenth day of April, Anno Domini one thousand eight hundred and forty-five (Pamphlet Laws, page four hundred and forty)," absolutely.

The act, approved the fifth day of March, one thousand nine hundred twenty-five (Pamphlet Laws 22), entitled "An act ratifying and confirming the action of the Department of Welfare in classifying the Wernersville State Hospital as a hospital for the care and treatment of the indigent insane," absolutely.

Section two of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said

hospital when appropriations are made available, and for its management by the Department of Welfare," in so far as inconsistent.

Sections one and six of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 599, Act No. 126), entitled "An act establishing, within the limits of Philadelphia, the Eastern Pennsylvania Psychiatric Institute as a State institution; providing for a board of trustees and a medical advisory board therefor; conferring powers and imposing duties upon the Department of Property and Supplies, the Department of Welfare, the board of trustees and the medical advisory board," in so far as inconsistent.

*Sections one and two of the act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1643), entitled "An act authorizing the Department of Property and Supplies to lease to the University of Pittsburgh, the Western State Psychiatric Institute and Clinic, in Allegheny County, and providing for the management thereof by the University of Pittsburgh," in so far as inconsistent.

Section 1002. General Repeal.—All other acts and parts of acts in so far as they are inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 12th day of June, A. D. 1951.

JOHN S. FINE

No. 142

AN ACT

Authorizing the Secretary of Property and Supplies to sell and convey a tract of land situate in the Township of Cecil, Washington County, Pennsylvania; providing for reversion to the Commonwealth.

Real property.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Secretary of Property and Supplies authorized to sell and convey certain land in Cecil Township, Washington County, to boroughs of Canonsburg and Houston.

Section 1. The Secretary of Property and Supplies, with the approval of the Governor, is hereby authorized, on behalf of the Commonwealth of Pennsylvania, to sell and convey for the consideration of one thousand six hundred dollars (\$1600), and to make and execute a deed conveying the following described tract of land presently devoted to agricultural use by the Pennsylvania Training School at Morganza, and situate in Cecil Township, Washington County, Pennsylvania, to the boroughs of Canonsburg and Houston for the purpose of construction by such boroughs of a sewage treatment

* "Section" in original.