

Department of Revenue for the purpose of performing its duties under the provisions of this act, shall be purchased through the Department of Property and Supplies as purchasing agency.

Estimates of the amounts to be expended under this act, from time to time, by the Department of Revenue and the Board of Fish Commissioners, respectively, shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments, boards, and commissions, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the Board of Fish Commissioners in excess of the estimates approved by the Governor. Subject to the foregoing [provision] *provisions*, the Auditor General shall, from time to time, upon requisition of the Secretary of Revenue or of the Commissioner, draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding, however, the amount in such fund at the time of making such requisition.

When effective.

Section 9. This act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 224

AN ACT

Providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment, and training of defective delinquents; authorizing the preparation and equipment (including necessary construction) of the institution for such purposes, either by the Department of Property and Supplies or The General State Authority, and authorizing the necessary leases or conveyances for this purpose; changing the name of the Board of Trustees of Pennsylvania Industrial School; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the aforesaid board of trustees, the Department of Welfare, and courts; and imposing certain charges on counties.

WHEREAS, No suitable institution has heretofore been provided for the segregation of male defective delinquents, and it is urgent that said cases be separated from persons confined in penal and correctional institutions, and in mental health hospitals for the criminal insane; and

WHEREAS, A new industrial school is to be erected to which are to be transferred all persons detained in and presently committed to the Pennsylvania Industrial

School at Huntingdon, unless otherwise committed; and

WHEREAS, The vacation of said school for its present use will make available said institution in the future as an institution for the segregation of defective delinquents; therefore,

Section 1. Be it enacted, &c., That upon the completion of the new Pennsylvania Industrial School, in accordance with the provisions of the act, approved the*

Pennsylvania
Institution for
Defective
Delinquents.

one thousand nine hundred and thirty-seven, Act No. , entitled "An act providing for the erection, construction, and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions, and officers; and the transfer thereto of all persons detained in the Pennsylvania Industrial School at Huntingdon, unless otherwise committed, the Department of Welfare, with the approval of the Governor, shall, either through the Department of Property and Supplies or The General State Authority, have prepared and properly equipped (including any necessary construction) the said institution at Huntingdon, and the farm connected therewith, as a place for the reception, care, maintenance, detention, employment, and training of defective delinquents who have been convicted of crime, and who may hereafter be committed to said institution by the courts of this Commonwealth in accordance with this act.

In the event it is determined to have the said institution prepared and equipped (including any necessary construction) by The General State Authority, the Department of Property and Supplies, with the approval of the Governor, is hereby authorized to either lease for a period not in excess of ninety-nine (99) years, or grant and convey to The General State Authority (whichever may be required by said Authority) such land and buildings comprising said institution† as may be necessary to enable The General State Authority to prepare and equip the institution, as aforesaid. The Department of Property and Supplies, with the approval of the Gover-

* Act of June 21, 1937, Act. No. 376. † "Institution" in the original.

nor, is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority to acquire the use of the institution and its grounds after it is prepared and equipped by The General State Authority, as aforesaid, for use as a State institution for defective delinquents.

Said institution shall be known as the Pennsylvania Institution for Defective Delinquents.

Board of Pennsylvania Industrial School and Department of Welfare to manage the school.

Section 2. The management and operation of the Pennsylvania Institution for Defective Delinquents and the care and maintenance and employment of persons detained therein, shall be the function of the Board of Trustees of Pennsylvania Industrial School (hereinafter called the board) and the Department of Welfare in the manner provided by the Administrative Code of 1929, and its amendments: Provided, That said board shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents. The compensation of all officers and employes and all other expenses in connection with the care and maintenance of persons detained in said institution, shall be paid from appropriations made to the Department of Welfare for such purposes, but the Commonwealth shall be reimbursed for all such expenditures by the respective counties, from which such persons were committed, in the same manner and to the same extent as is now provided by law in the case of persons committed to the Pennsylvania Industrial School at Huntingdon.

Proviso.

Section 3. When any person over the age of fifteen years is convicted of crime before any court, or is held as a juvenile delinquent by any juvenile court, or is detained in any prison, industrial school, workhouse, house of correction, penitentiary or any other penal or correctional institution under sentence, and such person is, in the opinion of the court or the superintendent, jail physician, or warden of the institution where maintained, so mentally defective that he should be cared for and maintained in the Pennsylvania Institution for Defective Delinquents, such superintendent, physician or warden shall make application, upon a form prepared by the Department of Welfare, to the court having jurisdiction of the charge against such person, which court, upon the presentation of such petition, or upon its own motion in case of convictions before it or juvenile delinquents appearing before it, or upon application of the district attorney, the defendant or counsel for the defendant, or other person acting for the defendant, shall order an inquiry by two qualified physicians or by a psychiatrist as now provided by law, in case the person has not been sentenced, who shall immediately examine the said person and make written report of its findings to the court. If, in the opinion of the physicians or psychiatrist, the

Juvenile delinquents to be given mental examination.

person so committed or convicted or held is mentally defective and has criminal tendencies, whether or not coupled with mental instability, he or they shall so state in the report of their examination to the court. The court may, in its discretion, summon other witnesses and secure further evidence. If the court is then satisfied that the person thought to be mentally defective is not insane, though is in fact mentally defective with criminal tendencies, the court shall order the commitment or transfer of such person to the Pennsylvania Institution for Defective Delinquents. If any person who has been sentenced and is so committed or transferred shall recover, the time during which he was in the Pennsylvania Institution for Defective Delinquents shall be computed as a part of the term for which he was sentenced. In case sentence has not been imposed, the court shall have power to commit such person to the Pennsylvania Institution for Defective Delinquents in lieu of sentence to a prison workhouse, Pennsylvania Industrial School, penitentiary or any other penal or correctional institution where required by a relevant act of Assembly or by law, and direct the detaining of such defendant in such institution until the further order of the court.

Section 4. The expenses of examination, including the fees of the physicians and psychiatrists and all costs incident to the commitment, transfer to and maintenance of such person in the Pennsylvania Institution for Defective Delinquents, shall be borne by the county from which such person was committed.

Expenses of the examination.

Section 5. A record shall be kept of each inmate, setting forth his name, age, nationality, date of admission, and such facts concerning the life, antecedents and environment as can be obtained, either at the time of admission or later. In case of transfers from other institutions, all records applicable to the transferred person shall be filed with the institution to which transferred.

Record of each inmate to be kept.

Section 6. If the sentence of a person committed or transferred to the Pennsylvania Institution for Defective Delinquents shall expire before his recovery, he shall be detained in the said institution until his mental condition has so improved as to warrant his discharge.

If sentence shall expire before recovery, inmate shall be detained in the institution.

Section 7. The Department of Welfare shall have power to provide for the employment of persons detained in the Pennsylvania Institution for Defective Delinquents in the shops and on the farm, thereby providing vocational and agricultural training suited to the persons committed thereto. Industries for the employment of inmates shall be established and maintained by the department at the Pennsylvania Institution for Defective Delinquents in the same manner as similar industries are maintained at penal institutions operated by the Commonwealth, and like payments shall be made to

Department of Welfare shall have the power to provide for the employment of mental defective delinquents.

inmates of said institution from the Manufacturing Fund as is provided by law in the case of State penal institutions.

Department shall have power to make rules and regulations.

Section 8. The Department of Welfare shall have power to make all necessary rules and regulations, not inconsistent with this act, for the admission, care, detention, employment, discipline, instruction, and temporary or permanent release of all persons detained in said institution.

Release of mental defective delinquents.

Section 9. When, in the opinion of the board, it appears that the mental condition of any inmate has so improved that his release will be beneficial and not incompatible with the welfare of society, the board shall notify the Department of Welfare, whereupon such department may recommend the discharge of such inmate to the court committing or sending him to the institution, which recommendation shall be accompanied by a record of the case, setting forth the date of the original commitment, the institutions in which such person was an inmate and the time spent in each, the history of the case in the Pennsylvania Institution for Defective Delinquents, and the opinion of the superintendent and physician as to the present mental condition of such inmate. Whereupon the court may, in its discretion, after hearing all persons desirous of being heard, issue an order, under the seal of the court, upon the Department of Welfare to discharge such inmate from the said institution.

This act does not repeal or modify the act of July 11, 1923 (P. L. 998), or act of May 22, 1933 (P. L. 224).

Section 10. This act shall not be construed to repeal or modify the provisions of the Mental Health Act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-eight), or the psychiatrists' act, approved the second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred twenty-four).

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 225

AN ACT

To re-enact the act, approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred twenty-six), entitled "An act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs," as amended.

Act of May 18, 1933 (P. L. 826), as amended by act of March 27, 1935 (P. L. 7), further amended.

Section 1. Be it enacted, &c., That the act, approved the eighteenth day of May, one thousand nine hundred