

*sales. The council shall periodically regulate the rental fees charged in such a manner that the fund shall at no time exceed fifty thousand dollars (\$50,000). The State Council for the Blind shall transmit all such repayments and rental fees into the State Treasury, where they shall be credited to the "Employment Fund for the Blind."*

Section 3. The State Council for the Blind is hereby authorized to take any action and to adopt suitable rules and regulations necessary to facilitate the operation of this act, and in furtherance of those objectives to accept any grants or contributions from the Federal Government or any agency thereof. Any such grants or contributions shall be held by the State Treasurer as custodian for the State Council for the Blind, and shall be paid out on requisition of the State Council for the Blind without further appropriation.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Rental fee.

Disposition of repayments and rental fees.

Rules and regulations.

Acceptance of Federal grants authorized.

Act effective immediately.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 581

AN ACT

To amend the act, approved the twelfth day of June, one thousand nine hundred fifty-one (Act No. 141), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," by changing and adding definitions; further providing for the licensing of private institutions, the functions of various State institutions, the procedure relating to the admission, commitment, transfer, escape, discharge, leave of absence, care, rights and employment of patients, and, in certain cases, the costs incident thereto, and relating to the appointment of guardians of the person; removing inoperative and unnecessary provisions; making editorial changes; adding and changing penalties; and providing for commitment of mentally ill persons to Veterans Administration or other agency of the United States.

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

Section 1. Sections 102, 201, 211, 212, 221, subsections (a), (d) and (e) of section 222, subsection (b) of section 225, and section 226 of the act, approved the twelfth day of June, one thousand nine hundred fifty-one (Act No. 141), entitled "An act relating to mental health, including mental illness, mental defect, epilepsy and inebriety; and amending, revising, consolidating and changing the laws relating thereto," are hereby amended to read as follows:

"The Mental Health Act of 1951."

Sections 102, 201, 211, 212, 221, subsections (a), (d) and (e) of section 222, subsection (b) of section 225, and section 226, act of June 12, 1951 (Act No. 141), amended.

## 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] *leave of absence*, discharge, custody, care, treatment, maintenance, support, segregation, education, culture, training, discipline, improvement, *rehabilitation*, 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.]

"Psychiatrist" shall mean a qualified physician who, by a minimum of five (5) years of training and experience, has acquired specialized skill and learning in mental and nervous disorders and related conditions and who has thereby achieved professional standing in the medical specialty of psychiatry.

(3.1) "Psychologist" shall mean a person who, by years of study, training and experience, has achieved professional recognition and standing in the field of clinical psychology. To such qualifications is added any legislative status that may hereafter be enacted. This term shall include "public school psychologist."

(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 *relating to mental health* may be transferred.

(6) "Epileptic" shall mean any person who is or is thought to be suffering from [epilepsy] *a primary convulsive disorder or its equivalent manifestation*.

(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.

\* "employment" in original.

(9) "Mental defective" shall mean a person *who is not mentally ill but* 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," "moron," "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] deficiency," "epilepsy," "inebriety," or "senility," *unless mental illness is superimposed.*

(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"] *individual for whom admission is being sought in, or who is under observation, care or treatment in, an institution pursuant to this act.*

(13) "Qualified physician" shall mean a physician who has been (1) a resident of Pennsylvania for at least [three years] *one year*, (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," "colony," or other institution, by whatever name called, for the care of such patients.

(15) "Superintendent" shall mean the [person] *physician* in charge of the administration of an institution, or [person] *physician* 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] *for the general*

*direction and control of the property and management of an institution.* The term shall include "board of trustees," "board of managers," "managers," "directors," "board of directors." The term shall not include "superintendent."

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
  - Selinsgrove State Colony for Epileptics
  - Western [State] Psychiatric Institute & Clinic
  - [Clark's] *Clarks* 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 *and under such conditions as may be approved by the department.*

Section 211. License Required; Penalty.—

(a) No person, *partnership, association, business corporation, nonprofit corporation, or any group of individuals however organized,* shall operate, *on and after the effective date of this act,* 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, *partnership, association, business corporation or nonprofit corporation, or any partner, director, officer or agent thereof*, who violates the provisions of this section shall, upon summary conviction thereof, be sentenced to pay a fine not to exceed one [hundred dollars (\$100)] *thousand dollars (\$1000)* or to undergo imprisonment not exceeding one year, or both.

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)] *fifty dollars (\$50)* which shall be paid into the State Treasury through the Department of Revenue, *which fee shall not be required in the licensure of governmental public institutions and nonprofit institutions.*

(e) *No person who, because of inability to satisfy the character requirements deemed necessary by the department, has been refused a license shall thereafter be in any way connected with any private nursing home, private home for aged persons, or any private hospital licensed pursuant to the provisions of this act.*

Section 221. Outpatient and Psychiatric Clinical Services.—

To promote prevention, *early* 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, *inebriety* 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 condition of its water supply, sewerage, location or environment justify its abandonment.

\* \* \* \* \*

(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] *leave of absence* therefrom, shall be as provided in this act.

\* \* \* \* \*

Section 225. Management of Institution Taken over from Political Subdivisions.—

\* \* \* \* \*

(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 or parts thereof 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 *at least seven years* 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 2. Section 227 of said act is hereby repealed.

Section 227, said act, repealed.

Section 3. Section 230 of said act is hereby amended to read as follows:

Section 230, said act, amended.

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 *convicted of crime or with criminal tendencies*.

(c) The Polk and Pennhurst State [School] Schools shall be exclusively devoted to the care of [mentally deficient and epileptic children] *mental defectives of all ages*, 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 of *child-bearing age*, 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] *Study the* 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, said act, repealed.

Section 4. Section 231 of said act is hereby repealed.

Section 301, said act, amended

Section 5. Section 301 of said act is hereby amended to read as follows:

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] *psychiatric* 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 303, said act, repealed.

Section 6. Section 303 of said act is hereby repealed.

Subsection (b) of section 304, subsections (d) and (e) of section 311, and sections 312, 314 and 315, said act, amended.

Section 7. Subsection (b) of section 304, subsections (d) and (e) of section 311, and sections 312, 314 and 315 of said act are hereby amended to read as follows:

Section 304. Limits of Detention of Voluntary Patients; Notice to Relatives, etc.—

\* \* \* \* \*

(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, *or the institution district of the person's residence.*

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

\* \* \* \* \*

(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] *thirty days of the date of the first certifying examination in the case of mental illness, or*



*within six months of the date thereof in the case of mental deficiency or epilepsy.*

(e) [In the case of a person thought to be mentally ill, such] *Every* 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.

\* \* \* \* \*

Section 312. Contents of Physician's Certificate [; Penalty for False Statement].—

(a) In every qualified physician's certificate required by this 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] *one year*;
- (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] *has no financial interest in, nor is a medical attendant of, or otherwise connected in any way* 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,]
- (9.1) *In the case of mental deficiency, the results and conclusions from recognized psychological tests; 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 314. Admission for Temporary or Emergency 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 at 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. *Such certificate need not be sworn to or affirmed.*

(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] *twenty-one* 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] *twenty-one* 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, *or in default thereof, he shall notify the institution district of the patient's residence.*

Sections 316 and 317, said act, repealed.

Subsection (d) of section 326, subsection (b) of section 327, sections 328, 329, 330, and subsection (a) of section 331 said act, amended.

Section 8. Sections 316 and 317 of said act are hereby repealed.

Section 9. Subsection (d) of section 326, subsection (b) of section 327, \*sections 328, 329, 330, and subsection (a) of section 331 are hereby amended to read as follows:

Section 326. Petition of Commitment.—

\* \* \* \* \*

(d) Every such petition shall be accompanied by the sworn or affirmed certificate of two qualified physicians, *except in the case of a mental defective or an epileptic, when only one such certificate need be attached.*

\* \* \* \* \*

\* "Section" in original.

Section 327. Appointment of Commission by Court; Powers and Duties of Commission.—

\* \* \* \* \*

(b) Such commission shall be composed of three persons, two qualified physicians and an attorney-at-law, *who shall prepare and file all necessary notices, reports and other papers.* 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] *a fee consistent with the prevailing scale in the county, as determined by the court, for the time he is necessarily employed in the duty of his appointment.*

\* \* \* \* \*

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 *and may exclude the public.*

[(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] *thirty days from its date, and in the case of a mental defective or an epileptic within six months of 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 super-

intendent 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] *release*, 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 superintendent, 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, *or on order of the department stating that the condition of the patient has been found by the department to be such as no longer to warrant detention as a mental defective.*

**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 *not to exceed ninety days* and with such limitations as it may direct.

\* \* \* \* \*

Said act amended by adding, after section 332, thereof, a new section 333.

**Section 10.** Said act is hereby amended by adding, after section 332 thereof, a new section to read as follows:

*Section 333. Commitment of Persons Not Charged With a Criminal Offense.—*

*A person not charged with a criminal offense who is believed to be mentally ill shall be committed to an institution in accordance with the provisions of this act.*

The subdivision heading of subdivision (d), subsection (b) of section 341, section 342, subsection (c) of section 343, sections 344, 345, 346, 347, 348, 353, 355, subsection (d) of section 401, sections 403, 406, 407, 501, subsection (b) of section 503, the first paragraph and clause (4) of section 601, sections 603, 605, 611, subsection (b) of section 616, and sections 701, 702 and 719, said act, amended.

**Section 11.** The subdivision heading of subdivision (d), subsection (b) of section 341, section 342, subsection (c) of section 343, sections 344, 345, 346, 347, 348, 353, 355, subsection (d) of section 401, sections 403, 406, 407, 501, subsection (b) of section 503, the first paragraph and clause (4) of section 601, sections 603, 605, 611, subsection (b) of section 616, and sections 701, 702 and 719 of said act are hereby amended to read as follows:

(d) Commitment of [Criminals and] Persons  
*Convicted or Charged with Crime, Etc.*

**Section 341. Commitment of Person Acquitted of Crime Because of Insanity.—**

\* \* \* \* \*

(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, *in accordance with*

*the provisions of this act for the commitment of persons who have not been convicted of crime or who have not been charged with crime, 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] *convicted of crime* or who have not been charged with crime.

Section 343. Commitment of Convicted Person in Lieu of Sentence After Report of Psychiatrist.—

\* \* \* \* \*

(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, *on a form prescribed by the department*, 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.

\* \* \* \* \*

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 *mentally ill* or 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 *counsel for the prisoner* or the superintendent, warden, jail physician, or other executive officer of the institution in which the person sought to be committed is detained, or

\* "Persons" in original

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.]

*(a) Within ten days of the receipt of an application for commitment, the clerk of court shall cause to be served written notice of the filing of the application on the prisoner's counsel, if he has any, and on his nearest available relative, or, in the absence of such, his nearest available friend, and shall endorse on the application the names of those notified. Thereupon, the court shall order an examination of the person sought to be committed by two qualified physicians or a commission. Notice of the time and place of the psychiatric examination shall be given to the persons whose names are endorsed on the application by the clerk of court as aforesaid.*

*(b) If the court is satisfied that the person sought to be committed is mentally ill or mentally defective, notice of the fact shall be given to counsel, if he has any, and to his nearest available relative, or, in the \*absence of such, his nearest available friend, who shall be given opportunity to be heard.*

*(c) If no hearing is requested by those notified as aforesaid, the court may nevertheless hold a hearing, summon other witnesses, and secure further evidence subsequent to receipt of the report of such examination.*

*(d) If the court is satisfied that the person sought to be committed is mentally ill or mentally defective, it shall order the commitment or transfer of such person to a mental hospital or an institution for mental de-*

\* "absence" in original.

*fectives. If the person is undergoing sentence or is found to have a criminal tendency, the commitment shall be to a State hospital for patients convicted of crime, charged with crime, or with criminal tendencies.*

Section 346. Deportation of [Criminals] *Persons Convicted of Crime.*—

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 *or sufficient improvement of condition*. Upon his recovery *or sufficient improvement of condition*, 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] *Person Convicted of Crime 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 *or sufficient improvement of condition*, the department may transfer him to any other institution for care until his recovery *or sufficient improvement of condition*, when he shall be discharged.

(c) If the person committed is a convict serving sentence and recovers *or sufficient improvement in condition results* 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.

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.] *Commitment to Veterans Administration or other agency of the United States Government.—*

(a) *Whenever, in any proceeding under the laws of this State for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined that commitment to a hospital for mental illness or other institution is necessary for safekeeping or treatment, and it appears that such person is eligible for care or treatment by the Veterans Administration or other agency of the United States Government, upon receipt of a certificate from the Veterans Administration or such other agency, showing that facilities are available and that such person is eligible for care or treatment therein, such person may be committed to said Veterans Administration or other agency. Upon commitment such person, when admitted to any facility operated by any such agency, within or without this State, in accordance with the needs of the veteran, shall be subject to the rules and regulations of the Veterans Administration or other agency. The chief officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which the person is so committed shall, with respect to such person, be vested with the same powers as superintendents of State hospitals for mental illness within this State. With respect to retention of custody, transfer, leave of absence, or discharge, jurisdiction is retained in the court of this State at any time to inquire into the mental condition of the person so committed and to determine the necessity for the continuance of his restraint.*

(b) *The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration or other agency of the United States Government for care or treatment, shall have the same force and effect as to the committed person while in this State as in the jurisdiction in which is situated. The court entering the judgment or making the order and the courts of the committing state or of the District of Columbia shall be deemed to have retained juris-*



diction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for the continuance of his restraint as provided in subsection (a) of this section. With respect to persons committed by the courts of this State, consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the Veterans Administration or of any other institution operated in this State by any other agency of the United States to retain custody or transfer, leave of absence, or discharge the committed person.

(c) Upon receipt of a certificate of the Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the mentally ill or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the Veterans Administration or other agency of the United States for care or treatment. No person shall be transferred to the Veterans Administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor, or if he had been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer. After appropriate motion and hearing, any person transferred, as provided in this section, shall be deemed to be committed to the Veterans Administration or other agency of the United States pursuant to the original commitment.

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.

Section 401. Transfer from One Institution to Another.—

\* \* \* \* \*

(d) [A voluntary patient may be transferred only if the patient has consented in writing to such transfer.] *Voluntary applications are not transferable but such*

*patients may enter another institution by making similar application.*

\* \* \* \* \*

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 admission of the patient to any proper institution by any of the procedures provided by this act for admission of patients to such institution. *No such application shall be completed without notice to the patient's counsel, if he is under sentence and has any, and to his nearest available relative or friend.*

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] *leave of absence*, 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] *leave of absence*, or, *in either case, by order* of the court which committed the veteran.

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.]

*(a) Whenever any patient who may be dangerous to the safety of the public or himself escapes from an institution, it shall be the duty of the superintendent to promptly notify the local, county and State law enforcement officers.*

(b) Upon receipt of such notice, it shall be the duty of the local, county and State law enforcement officers to direct an officer to apprehend the escapee. If, after three months has elapsed, the patient has not been apprehended, it shall be the duty of the district attorney to promptly file with the Department of Welfare, on forms provided for that purpose, a statement showing what efforts have been made to apprehend the patient.

(c) 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.

Section 503. Warrant for Extradition; Habeas Corpus; Penalty.—

\* \* \* \* \*

(b) No person so arrested shall be delivered to the agent of another state until he has been *brought before a court of record* and 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.

\* \* \* \* \*

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:

\* \* \* \* \*

(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, or an order of the department stating that the condition of the patient has been found by the department to be such as no longer to warrant detention as a mental defective or inebriate. 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.

\* \* \* \* \*

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] *person convicted of crime and* 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 605. Discharge by Lapse of Time.—

(a) Any patient, except a [criminal] *person convicted of crime and* 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 or *epileptic* who is on indefinite leave of absence, when away from the institution. Unless formally discharged, such mental defective or *epileptic* may be returned to the institution without a new commitment.

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

(c) *The superintendent of any institution, upon medical revaluation, may extend such leave of absence annually, not to exceed a total continuous absence of thirty-six months, if he finds, prior to the expiration of each allowance, that the welfare of the patient warrants such action.*

(d) *The limitations of this section shall not apply to mental defectives or epileptics who may be allowed indefinite leave of absence.*

Section 616. Boarding Out of Patients.—

\* \* \* \* \*

(b) Such patients shall be considered remaining inmates of the State institution and shall be considered as

on [parole] *leave of absence*, 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.

\* \* \* \* \*

**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 *State* 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 *Patients Convicted [Criminal Patient] of Crime Undergoing Sentence.—***

(a) Liability for all costs of care of any [convicted criminal] *patients convicted of crime* 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 719. Patient Detained for Temporary or Emergency Care; *Payment of Costs.—***

(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.] *The applicant for the admission of any patient for temporary or emergency care shall be liable for the costs of his admission and of his subsequent commitment, if any. Otherwise, provisions under section 718 may be applied.*

(b) *Where the applicant is liable for the costs of admission for temporary or emergency care, such costs shall include those for his maintenance during the temporary period and for removal if he is removed during the period.*

Section 12. Section 720 of said act is hereby repealed.

Section 13. Section 737 of said act is hereby amended to read as follows:

Section 720, said act, repealed.

Section 737, said act, amended.

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.]

Section 742, said act, repealed.

Clauses (1), (5) and (6) of section 801, said act, amended.

Section 14. Section 742 of said act is hereby repealed.

Section 15. Clauses (1), (5) and (6) of section 801 of said act are hereby amended to read as follows:

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, *and to send sealed communications to the superintendent, the department, the court, if any, which committed him, and the Governor.*

\* \* \* \* \*

(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] *released* as soon as he is restored to [reason] *mental health* and competent to manage his own affairs.

\* \* \* \* \*

Said act amended by adding, after section 801 thereof, a new section 801.1.

Section 16. Said act is hereby amended by adding, after section 801 thereof, a new section to read as follows:

*Section 801.1. Mechanical Restraints.—*

*Mechanical restraints shall not be applied to a patient, unless it is determined by the superintendent or his designee to be required by the medical needs of the patient. Every use of mechanical restraint shall be made a part of the clinical record of the patient under the signature of the responsible physician.*

Sections 802 and 804, said act, amended.

Section 17. Sections 802 and 804 of said act are hereby amended to read as follows:

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] *continued hospitalization.*

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 sentenced to pay a fine of not more than five hundred dollars (\$500).] *All able-bodied patients of any institution which is wholly or in part maintained by the Commonwealth shall be given opportunity to participate in gainful occupational activities for purposes of rehabilitation of their physical and mental health. These activities may include employment, without formal compensation, in the maintenance of the institution, but in any case under medical selection and supervision.*

*(b) Participation of patients in institutional industrial employment shall not exceed the customary number of hours required for similar employment in the local community.*

*(c) Occupational therapy workshops shall be provided for patients apart from those shops required for institutional maintenance.*

*(d) Appropriate educational facilities shall be provided in all institutional units for the care of children.*

(e) *Each patient, in the discretion of the superintendent, shall have opportunity to participate in suitable recreational activities.*

(f) *Certain gratuity grants may be awarded patients who participate in institutional employment, but these shall not be considered as payment for services rendered.*

(g) *In the discretion of the superintendent and as otherwise provided for in this act, a patient may realize pecuniary returns on the products of his individual skill and labor, provided he reimburse the workshop fund for materials obtained, if any.*

Section 805, said act, repealed.

Sections 811 and 921, said act, amended.

Section 18. Section 805 of said act is hereby repealed.

Section 19. Sections 811 and \*821 of said act are hereby amended to read as follows:

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 \*\*or 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 \*\*or 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, \*\*or physician [or psychiatrist].

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] psychiatric department or ward of a general hospital, without the knowledge or consent of the superintendent thereof, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed [fifty dollars (\$50)] *one thousand dollars (\$1000)*, or to undergo imprisonment not to exceed [three months] *one year*, or both.

Said act amended by adding, after section 822 thereof, two new sections 823 and 824.

Section \*\*\*20. Said act is hereby amended by adding, after section 822 thereof, two new sections to read as follows:

Section 823. *Penalty for Aiding Escape.*—

*Any person who shall aid or assist any patient lawfully admitted to any institution to make or attempt to make his escape therefrom, or shall connive in any way*

\*"921" in original.

\*\*"or" omitted in original.

\*\*\*"19" in original.



at such escape or attempt at escape although no escape has been actually made, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed one thousand dollars (\$1000), or to undergo imprisonment not to exceed one year, or both.

Section 824. Unwarranted Hospitalization or Denial of Rights; Penalties.—

Any person, corporation, partnership or association who wilfully causes or conspires with or assists another to cause (1) the unwarranted hospitalization of any individual under the provisions of this act, or (2) the denial to any individual of any of the rights accorded to him under the provisions of this act, shall be punished by a fine not exceeding one thousand dollars (\$1000), or imprisonment not exceeding one year, or both. If the violation shall be by a corporation, partnership or association, the officers and directors of such corporation or the members of such partnership or association, its agents and employes, with knowledge of the violation of the statement, shall also be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinbefore provided.

Section \*21. Subsection (c) of section 901 of said act is hereby amended to read as follows:

Subsection (c) of section 901, said act, amended.

Section 901. Petition for Appointment of a Guardian of the Person.—

\* \* \* \* \*

(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] and convenience to his physical or mental condition or to others or to property.

Section \*\*22. Section 902 of said act is hereby repealed.

Section 902, said act, repealed.

Section \*\*\*23. Subsection (a) of section 903 of said act is hereby amended to read as follows:

Subsection (a) of section 903, said act, amended.

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

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for the safety and well-being of the person in whose interest the petition has been presented, it shall appoint a guardian.

Section \*\*\*\*24. The provisions of this act shall become effective the first day of January, one thousand nine hundred fifty-two.

Act effective January 1, 1952.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE.

\* "20" in original.  
 \*\* "21" in original.  
 \*\*\* "2" in original.  
 \*\*\*\* "23" in original.