

dent or vice-president or other officer designated by the board of directors, countersigned by the treasurer, and sealed with the seal of the company *which may be facsimile engraved or printed*; which certificate or evidence of stock ownership shall be transferable on such books, at the pleasure of the holder, in person or by attorney duly authorized, as the by-laws may prescribe, subject, however, to all payments to become due thereon [but no]. *Where such certificate is signed by a transfer agent or by a transfer clerk of such company and a registrar, the signature of any company officer upon such certificate may be a facsimile engraved or printed. In case any officer who has signed or whose facsimile *signature has been placed upon any share certificate shall have ceased to be such officer because of death, resignation or otherwise, before the certificate is issued, it may be issued by the company with the same effect as if the officer had not ceased to be such at the date of its issue.* No stock shall be transferred until all previous calls thereon have been fully paid in; nor shall any stock which has been declared forfeited for non-payment of calls thereon be transferable. The assignee or party to whom the same shall have been so transferred shall be a member of said company, and have and enjoy all the immunities, privileges, and franchises, and be subject to all of the liabilities, conditions, and penalties, incident thereto, in the same manner as the original subscriber or holder would have been. Upon a sale of such stock in satisfaction of any debt for which it is pledged, the purchaser shall have the right to compel a transfer of such stock upon the books of the company, and the delivery of a proper certificate therefor.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 429

AN ACT

Amending the act of June 12, 1951 (P. L. 533), 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," changing provisions relating to habeas corpus, the discharge of patients from institutions, and regulating patients' rights to be examined and to petition for discharge.

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

The Mental
Health Act of
1951.

* "signatures" in original.

Section 347, act of June 12, 1951, P. L. 533, amended April 3, 1956, P. L. 1370, further amended.

Section 1. Section 347, act of June 12, 1951 (P. L. 533), known as "The Mental Health Act of 1951," amended April 3, 1956 (P. L. 1370), is amended to read:

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 other than indictments against him shall be stayed until [his recovery or] sufficient improvement of *his* condition. [Upon his recovery or sufficient improvement of condition, if he was previously confined in a penal or correctional institution] *As soon as his condition has improved sufficiently to enable him to participate intelligently in his own defense*, he shall be returned [upon proper order of] to the court [to the penal or correctional institution from which he was transferred,] *having jurisdiction of him* 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 of act, amended January 14, 1952, P. L. 2053, further amended.

Section 2. Section 348 of the act, amended January 14, 1952 (P. L. 2053), is amended to read:

Section 348. Effect of Commitment on 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 *his* condition, the department may transfer him to any other institution for care until [his recovery or] sufficient improvement of *his* condition, when he shall be *granted a leave of absence or 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 *he* 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 351 of act, amended.

Section 3. Section 351 of the act is amended to read:

Section 351. Habeas Corpus.—

Every [commitment made under] *person committed or involuntarily admitted to or detained in an institution subject to the provisions of this act or any one acting on his behalf* may [be appealed by] *at any time petition for a writ of habeas corpus* [, which may be sued out at any time by any person restrained or any one acting on his behalf] *in accordance with the provisions of the act of May *25, 1951 (P. L. 415): Provided, That a court which receives a petition from or on behalf of a patient it has committed may transfer such petition for disposition to the court of common pleas of the county where such patient is detained.*

Section 4. Subsection (a) of section 604 of the act is amended to read:

Subsection (a), section 604 of act, amended.

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.] *Any patient or person acting on his behalf may petition the court which committed him or the court of common pleas of the county where he is detained for an order of discharge on the ground that his continued hospitalization is not warranted by reason of mental illness, mental deficiency, epilepsy or inebriety. The petition shall be in writing and shall be sworn to or affirmed and shall be accompanied by an affidavit of a qualified physician stating that he has examined the patient and is of the opinion that the patient is not mentally ill, mentally defective, epileptic or inebriate within the meaning of this act.*

Upon receipt of such petition, the court shall conduct a hearing to determine the question of the patient's mental illness, mental deficiency, epilepsy or inebriety: Provided, That a court which committed the patient may transfer the petition for hearing and disposition to the court of common pleas of the county where the patient is detained. The burden of proof shall rest upon the persons responsible for the patient's continued hospitalization.

*Upon *conclusion of the hearing, the court may dismiss the petition or may make such other order as the court may deem appropriate including, but not being limited to, an order:*

(1) *In the case of a patient who has been convicted of a crime and whose sentence has not expired, that he be confined in a penal or correctional institution;*

* "24" in original.

* "conclusioin" in original.

(2) *In the case of a patient who has been charged with a crime for which he has not been tried, that he be held for disposition of the charges against him;*

(3) *In the case of a patient who has been convicted and committed to a mental institution in lieu of sentence or a patient who has been convicted but whose sentence has expired or a patient against whom no criminal charge is pending or who has not been convicted of a crime, that he be discharged or be granted a leave of absence subject to such conditions as the court may deem appropriate.*

* * * * *

Clause (7), section 801 of act, amended September 22, 1951, P. L. 1429, further amended

Section 5. Clause (7) of section 801 of the act, amended September 22, 1951 (P. L. 1429), is amended to read:

Section 801. Rights of Patient.—

Every patient in any institution shall have the right—

* * * * *

(7) To be visited and examined at all reasonable hours by any medical or osteopathic 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 or osteopathic 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 801 of act amended by adding a new clause (8).

Section 6. Section 801 of the act is amended by adding, at the end thereof, a new clause to read:

Section 801. Rights of Patient.—

Every patient in any institution shall have the right—

* * * * *

(8) *To request the Commissioner of Mental Health to arrange for the examination of the patient's mental condition by a qualified physician not associated with the Department of Public Welfare. Liability for costs of such examination shall be imposed as prescribed for costs of care under section 701 of this act. The Commissioner of Mental Health may refuse to grant such request only when it is made sooner than six months after the patient's admission or sooner than one year after a previous examination under this section.*

Specific repeal.

Section 7. Section 802 of the act is repealed.

Act effective immediately.

Section 8. This act shall take effect immediately.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON