

CHAPTER 364—S. F. No. 729

An act to amend Section 10723 General Statutes 1923, relating to acquittal of defendants in criminal proceedings on the ground of insanity and regulating the procedure for the discharge and release of such persons from the hospital or asylum to which they have been committed.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Release of criminals from state institutions.—That Section 10723 of the General Statutes of Minnesota for the year 1923 be and the same hereby is amended so as to read as follows :

“Whenever during the trial of any person on an indictment, or information, such person shall be found to have been, at the date of the offense alleged in said indictment, insane, an idiot, or an imbecile and is acquitted on that ground, the jury or the court, as the case may be, shall so state in the verdict, or upon the minutes, and the court shall thereupon, forthwith, commit such person to the proper state hospital or asylum for safe keeping and treatment; and whenever in the opinion of such jury or court such person, at said date, had homicidal tendencies, the same shall also be stated in said verdict or upon said minutes and said court shall thereupon forthwith commit such person to the hospital for the dangerous insane for safe keeping and treatment; and in either case such person shall be received and cared for at said hospital or asylum to which he is thus committed.

The person so acquitted shall be liberated from such hospital or asylum upon the order of the court committing him thereto, whenever there is presented to said court the certificate in writing of the Superintendent of the hospital or asylum where such person is confined, certifying that in the opinion of such superintendent such person is wholly recovered and that no person will be endangered by his discharge.

Provided, that if the superintendent of the hospital or asylum fails or refuses to furnish such certificate at the request of the person committed, then said person may petition the said court for his release, and hearing on such petition shall be had before the court upon and after service of such notice as the court shall direct.

If, at such hearing, the evidence introduced convinces the court that the person so confined has wholly recovered and that no person

will be endangered by his discharge, then the court shall order his discharge and release from said hospital or asylum, and he shall then be so discharged and released.

Provided, further, that if at such hearing the evidence introduced convinces the court that such person has not wholly recovered, but that no person will be endangered by his release on parole from such hospital or asylum, and a proper and suitable person is willing to take such committed person on parole, and to furnish a home for him and care for and support him, and furnishes a satisfactory bond in such amount and with such terms and conditions as the court may fix, then said court may order the release of such confined person from said hospital or asylum on parole and for such time and upon such terms and conditions as the court may determine and order, and thereupon such person shall be so released from said hospital or asylum and placed on parole with the person named by the court in its order.

Provided, that nothing herein shall be construed as preventing the transfer of any person from one institution to another by the order of the board of control, as it may deem necessary.

Approved April 25, 1931.

CHAPTER 365—S. F. No. 733

An act to amend Sections 5, 6, 8 and 9 of Chapter 108, Laws 1927, relating to the inspection of nurseries and nursery stock and the transportation and sale thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Inspection of nursery stock—certificate.**—That section 5 of chapter 108, Laws 1927, be and the same is hereby amended to read as follows:

“Sec. 5. All nursery stock transported from any point or points in the State of Minnesota to other points within the state must be accompanied by a *valid* certificate of inspection on the outside of each package. *All nursery stock sold or offered for sale shall be in a sound healthy condition and shall be stored or displayed under conditions which will maintain its vigor. Nursery*