

the village of Mahnomen. At the next annual village election to be held in said village there shall be elected one judge, to hold office for a period of *four* years and until his successor is elected and qualified. The time of taking and relinquishing said office shall be the same as that of other village officers in the village of Mahnomen. Said judge within ten days following his election, shall file with the secretary of state his official oath and a bond in the sum of \$1000 to be in such form as the attorney general shall prescribe and shall be approved by the village council of the said village of Mahnomen. The premium for said bond shall be paid out of the treasury of the village of Mahnomen."

Sec. 2. **Designation of special judge.**—Extra Session Laws 1937, Chapter 72, Section 4, is hereby amended so as to read as follows:

"Section 4. In the event of the *absence*, disability or death of the municipal judge, the village council shall designate a competent person to sit in place of such municipal judge from day to day, and such special judge shall be subject to the same rights, powers and duties as are herein conferred upon the municipal judge."

Sec. 3. **Fees.**—Extra Session Laws 1937, Chapter 72, Section 6, is hereby amended so as to read as follows:

"Section 6. Said municipal judge shall receive no salary out of the treasury of the village of Mahnomen, but he shall receive as compensation the fees allowable by *Mason's Minnesota Statutes of 1927, Section 239.*

Approved April 21, 1939.

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#### CHAPTER 369—H. F. No. 1584.

*An act relating to persons having a psychopathic personality.*

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

Section 1. **Definitions.**—The term "psychopathic personality" as used in this act means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render such person ir-

responsible for his conduct with respect to sexual matters and thereby dangerous to other persons.

**Sec. 2. Laws relating to insane persons, etc., to apply to psychopathic personalities.**—Except as otherwise herein or hereafter provided, all laws now in force or hereafter enacted relating to insane persons, to persons alleged to be insane, and to persons found to be insane, shall apply with like force and effect to persons having a psychopathic personality, to persons alleged to have such personality, and to persons found to have such personality, respectively. Provided however, before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if he is satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having knowledge of the facts, and shall file the same with the judge of the probate court of the county in which the "patient", as defined in such statutes, has his settlement or is present. The judge of probate shall set the matter down for hearing and for examination of the "patient". The judge may at this discretion exclude the general public from attendance at such hearing. The "patient" may be represented by counsel; and if the court determines that he is financially unable to obtain counsel, the court may appoint counsel for him. The "patient" shall be entitled to have subpoenas issued out of said court to compel the attendance of witnesses in his behalf. The court shall appoint two duly licensed doctors of medicine to assist in the examination of the "patient". The proceedings had shall be reduced to writing and shall become part of the records of said court. From a finding made by such court of the existence of psychopathic personality, the "patient" may appeal to the district court upon compliance with the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 8992-166, 8992-167, 8992-169, 8992-170.

**Sec. 3. Not to constitute defense.**—The existence in any person of a condition of psychopathic personality shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge, unless such person is in a condition of insanity, idiocy, imbecility, or lunacy within the meaning of the laws relating to crimes and criminal procedure.

**Sec. 4. Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 21, 1939.