

parking facilities under this act may charge reasonable fees or rentals for their use and make such other provision for their operation and management as it may deem necessary.

Approved April 28, 1947.

CHAPTER 622—H. F. No. 839

An act relating to the commitment and release of incompetent persons; amending Minnesota Statutes 1945, Sections 525.749, 525.75, 525.751, 525.752, 525.753, 525.754, 525.76, 525.761, 525.762, 525.763, 525.77, 525.78, and 525.79; and repealing Minnesota Statutes 1945, Sections 253.03, 253.04, 253.05, 254.08, 255.01, 255.02, 255.03, 255.04, 255.05, 255.06, 255.07, 255.08, 255.09, 255.10, 255.11, and 255.12.

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

Section 1. Minnesota Statutes 1945, Section 525.749, is amended to read as follows :

Commitments

525.749. **Definitions.** Subdivision 1. For the purposes of Minnesota Statutes Sections 525.75 to 525.79, *unless a different meaning is indicated by the context, the words, terms, and phrases defined in this section shall have the meanings given them.*

Subd. 2. **Patient.** *“Patient” means any person for whose commitment, as mentally ill, senile, inebriate, mentally deficient, or epileptic, proceedings have been instituted or completed.*

Subd. 3. **Mentally ill person.** *“Mentally ill person” means any person of unsound mind and in need of treatment, control or care.*

Subd. 4. **Senile person.** *“Senile person” means any person who is mentally ill due to advanced years.*

Subd. 5. **Inebriate person.** *“Inebriate person” means any person incapable of managing himself or his affairs by reason of the habitual and excessive use of intoxicating liquor, drugs, or other narcotics.*

Subd. 6. **Mentally deficient person.** *“Mentally deficient person” means any person, other than a mentally ill person,*

so mentally defective as to require supervision, control, or care for his own or the public welfare.

Subd. 7. Epileptic person. *"Epileptic person" means any person suffering from epilepsy and in need of treatment, supervision, control, or care.*

Subd. 8. State hospital. *"State hospital" means any hospital under the administration and management of the director of public institutions for the care of mentally ill, senile, or inebriate persons.*

Subd. 9. Superintendent. *"Superintendent" means the superintendent of a state hospital.*

Subd. 10. Director. *"Director" means the director of public institutions.*

Sec. 2. Minnesota Statutes 1945, Section 525.75, is amended to read as follows:

525.75. Voluntary hospitalization. Any person desiring to receive treatment at a state hospital or institution may be admitted to such hospital or institution upon his application, in such manner and upon such conditions as the director may determine. The superintendent of such hospital or institution shall detain such person during the time of such treatment as though he had been committed. If any such person in writing demands his release, the superintendent of such hospital or institution may detain such person for three days after the date of such demand for release. If such superintendent deems such release not to be for the best interest of such person, his family, or the public, he shall, within said three days, file a petition for the commitment of such person to such hospital or institution in the probate court of the county wherein such hospital or institution is located.

Sec. 3. Minnesota Statutes 1945, Section 525.751, is amended to read as follows:

525.751. Institution of proceedings. Subdivision 1. Petition; filed by whom. Any relative or reputable resident may file in the court of the county of the patient's settlement or presence a petition for commitment of a patient setting forth the name and address of the patient, the name and address of his nearest relatives, and the reasons for the petition.

Subd. 2. Custody or restraint of patient. The court may, if it determines that the best interest of the patient, his family, or the public is thereby served, direct the sheriff, or any other person, to take the patient into custody and confine

him, for observation and examination, in any *licensed* hospital or any other place or institution consenting to receive him. The order of the court may be executed on any day and at any time thereof, by the use of all necessary means, including the breaking open of any door, window, or other part of the building, vehicle, boat, or other place in which the patient is located, and the imposition of necessary restraint upon the person of such patient.

Subd. 3. Consent of director. If the patient has no settlement in this state, all proceedings *under such petition may be stayed until the director consents thereto.*

Subd. 4. County attorney to represent the petitioner; counsel for patient. In all such proceedings the county attorney shall appear and represent the petitioner. *If the patient so requests, or is held for observation under order of the court, the court shall appoint counsel for him, if he is financially unable to obtain counsel. In all other cases the court may appoint counsel for the patient if it determines the interests of the patient requires counsel.*

Sec. 4. Minnesota Statutes 1945, Section 525.752, is amended to read as follows:

525.752. Examination. Subdivision 1. Notice; hearing; licensed doctors of medicine. The patient shall be examined at such time and place and upon notice *to the patient and to such other persons and served in such manner as the court determines.* The court shall appoint two licensed doctors of medicine, or in proceedings *for the examination of an alleged mentally deficient patient may appoint two persons skilled in the ascertainment of mental deficiency, to assist in the examination.*

Subd. 2. Hearing; notice to director. Upon the filing of a petition for the commitment of a patient *who is alleged to be mentally deficient or epileptic,* the court shall fix the time and place for the hearing thereof. Ten days' notice *thereof shall be given by mail to the director, and also to such other persons and in such manner as the court directs.*

Subd. 3. Report of examiners; filing; notice to superintendent or director. The examiners and the court shall report their findings. One *copy thereof shall be filed in the court and another copy thereof shall be transmitted to the superintendent or, in the case of a mentally deficient or epileptic patient, to the director.* The court shall determine the nature and extent of the *patient's property and the nature and extent of the property*

of the persons upon whom liability for such patient's care and support is imposed by law. One copy of such findings shall be filed in the court and another copy thereof shall be transmitted to the director. The director shall prescribe the forms for the findings of the examiners and the court.

Sec. 5. Minnesota Statutes 1945, Section 525.753, is amended to read as follows:

525.753. **Commitment.** *Subdivision 1. Details of commitment.* If the patient is found to be *mentally ill, senile, or inebriate*, the court shall issue to the sheriff, or any other person, a warrant, in duplicate, committing the patient to the custody of the superintendent of the proper state hospital, or to the superintendent or keeper of any private licensed institution for the care of *mentally ill, senile, or inebriate* persons. Patients committed to private institutions are required to pay the necessary hospital charge in such private institution. If the patient is entitled to care by the veterans administration or other agency of the United States in this state, the warrant shall be in triplicate, committing the patient to the joint custody of the superintendents of the proper state institutions and veterans administration or other federal agency. If the veterans administration or other federal institution is unable or unwilling to receive such patient at the time of commitment, he subsequently may be transferred to it upon its request. Such transfer shall discharge the commitment of such patient to the state institution and constitute a sole commitment to the veterans administration or other federal institution.

Upon commitment, such person when admitted to the veterans administration or other federal institution within or without this state shall be subject to the rules and regulations of the veterans administration or other federal 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 diseases within this state with respect to retention of custody, transfer, parole or discharge.

The judgment or order of commitment by a court of competent jurisdiction of another state or 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. 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 institution operated in this state by any other agency of the United States to retain custody, or transfer, parole or discharge of the committed person.

Upon receipt of a certificate of the veterans administration 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 insane 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. Upon effecting such transfer, the committing court, or proper officer thereof shall be notified thereof by the transferring agency. 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 if he has 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.

Subd. 2. Director appointed guardian of person; commitment to director. If the patient is found to be *mentally deficient* or epileptic, the court shall appoint the director guardian of his person and commit him to *the* care and custody of such director.

Subd. 3. Transfer to other institution. *The director may transfer any person committed to any state institution as a patient mentally ill, senile, inebriate, mentally deficient, or epileptic to any other state institution capable of giving such patient proper care and treatment.*

Subd. 4. Provisional discharge; notice. *The superintendent of any state hospital to which any patient who is mentally ill, senile, or inebriate is committed or transferred may provisionally discharge such patient; and, unless such*

patient is re-admitted to a state hospital within 12 months after the date of such provisional discharge, or unless proceedings were commenced for the appointment of a guardian for such patient, or unless the period of the provisional discharge is extended by the superintendent, the provisional discharge becomes absolute and operates to restore such patient to capacity.

Notice of the expiration of the 12 months' period or of the extended period shall be given by the superintendent to the committing court and to the director.

Subd. 5. Defendant in criminal proceedings. *When, pursuant to an order of a state or federal district court, a defendant in a criminal proceeding is examined in the probate court, the probate court shall transmit its findings and return the defendant to such ditstrict court, unless otherwise ordered. A duplicate of the findings shall be filed in the probate court, but there shall be no petition, property report, or commitment unless otherwise ordered.*

Sec. 6. Minnesota Statutes 1945, Section 525.754, is amended to read as follows:

525.754. Payment of fees and mileage. Subdivision 1. Fees and mileage; examiners and witness; patient's counsel; conveyance of patients. *In each proceeding the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law, to each examiner the sum of \$10.00 per day for his services and 15 cents for each mile traveled, to the person to whom the warrant is issued the sum of \$3.00 per day and disbursements for the travel, board, and lodging of the patient, of himself, and of authorized assistants, and to the person conveying the patient to the place of detention the sum of \$3.00 per day and disbursements for the travel, board, and lodging of the patient, of himself, and of authorized assistants, and to the patient's counsel, when appointed by the court, the sum of \$10.00 per day. Upon such order the county auditor shall issue a warrant on the county treasurer for the payment thereof.*

Subd. 2. Statement of expenses transmitted to county auditor; auditor to transmit statement to county of patient's settlement. *When the settlement of the patient is found to be in another county, the court shall transmit to the county auditor a statement of the expenses of the taking into custody, confinement, examination, commitment, and conveyance to the place of detention. The auditor shall transmit the statement to the auditor of the county of the patient's settlement*

and *this* claim shall be paid as other claims against *that* county. If the auditor to whom *this* claim is transmitted *denies* the claim, he shall transmit it, *together* with his objections *thereto*, to the director who shall determine the question of settlement and certify his findings to each auditor. If the claim is not paid within 30 days after such certification, an action may be maintained thereon in the district court of the claimant county.

Sec. -7. Minnesota Statutes 1945, Section 525.76, is amended to read as follows:

525.76. **Release before commitment.** Subdivision 1. **Release on conditions; exception.** Before the delivery of the warrant of commitment, the court may release a patient to any person *who files* with the court a bond to the state in such amount as the court *directs*, conditioned upon the care and safekeeping of the patient; but no person against whom a *criminal proceeding is pending* or who is dangerous to the public shall be so released.

Subd. 2. **Court may revoke release.** The court, on its own motion or upon petition of any person, and upon such notice and hearing as it *directs*, may revoke any such release and commit the patient. Pending such proceedings *the court* may issue a warrant for the *taking into custody* and confinement of the patient.

Subd. 3. **Release upon petition; discharge of bond.** Upon petition of the person to whom a patient is released and upon the surrender of the patient to the court or to such custody or confinement as the court *directs*, the court shall revoke the order for release and commit the patient. The person to whom the patient was released and the sureties on his bond shall thereupon be discharged from any subsequent liability thereon.

Subd. 4. **County attorney may bring action.** In any case where the court deems that the conditions of the bond have not been complied with, whether the release of the patient has been revoked or not, the court may request the county attorney to bring action against the person to whom the patient was released and the sureties on *his* bond. The county attorney *shall* bring such action, if warranted by the available evidence.

Sec. 8. Minnesota Statutes 1945, Section 525.761, is amended to read as follows:

525.761. **Release after commitment.** Subdivision 1. **Release on conditions; exceptions.** Any patient committed to the

director, or to any institution under his control, may be released to any person by the authority having custody of the patient, or, if the patient is confined in an institution, by the authority having control thereof, upon recommendation of the superintendent, and upon such conditions as such authority may *prescribe*. The releasing authority may require the person to whom the patient is released to furnish and file with it a bond to the state in such amount as it *fixes*, conditioned upon the care and safekeeping of the patient, the payment of all expenses, damages, and other items arising from any act of the patient, and compliance with all conditions imposed by such authority, but no patient found by the committing court to be dangerous to the public shall be so released, except upon *an order of a court of competent jurisdiction*.

Subd. 2. **When on parole.** *Each* patient so released, *until* unconditionally discharged from custody, *is* subject to supervision and return to custody.

Subd. 3. **Revocation of release.** Upon request of the person to whom any such patient *is* released and upon the surrender of the patient to the custody from which he was released, the releasing authority shall revoke the release and the patient *is* subject to further custody and control as *though* he had never been released. The person to whom the patient was released and the sureties on his bond shall thereupon be discharged from any subsequent liability thereon.

Subd. 4. **Attorney general may bring action.** In any case where the releasing authority deems that the conditions of the bond have not been complied with, whether or not the patient has been returned to custody, it may request the attorney general to bring an action against the person to whom the patient was released and the sureties on *his* bond. The attorney general *shall* bring such action, if warranted by the available evidence.

Sec. 9. Minnesota Statutes 1945, Section 525.762, is amended to read as follows:

525.762. **Detention.** *Subdivision 1.* Upon delivery of a patient to the *state hospital* to which committed, the superintendent thereof shall retain the duplicate warrant and endorse his receipt upon the original *warrant* which shall be filed in the court of commitment. After such delivery the patient *is* under the control of the director until discharged by him or by a court of competent jurisdiction; but no patient found by the committing court to be dangerous to the public *or to have a psychopathic personality* shall be released

from custody, except upon *an* order of a court of competent jurisdiction. When a patient is *provisionally discharged, discharged, transferred to another institution, dies, escapes, or is returned*, the institution having charge of the patient shall file notice thereof in the court of commitment.

Subd. 2. Upon commitment of a *mentally deficient* or epileptic patient, the director may place him in an appropriate home, hospital, or institution or exercise general supervision over him anywhere in the state outside of any institution through any child welfare board or other appropriate agency thereto authorized by the director.

Sec. 10. Minnesota Statutes 1945, Section 525.763, is amended to read as follows:

525.763. **Commissioner may act.** *The court commissioner may act upon a petition for the commitment of a patient when the probate judge is unable to do so.*

Sec. 11. Minnesota Statutes 1945, Section 525.77, is amended to read as follows:

525.77. **Malicious Petition.** Whoever, for a corrupt consideration or advantage, or through malice, *makes, joins in, or advises* the making of any false petition or report, or knowingly or wilfully *makes* any false representation for the purpose of causing such petition or report to be made, is guilty of a felony and *may be* punished by imprisonment in the state prison for not more than one year or by a fine of not more than \$500.

Sec. 12. Minnesota Statutes 1945, Section 525.78, is amended to read as follows:

525.78. **Restoration of feeble-minded and epileptics.** *Subdivision 1. Petition; notice of hearing.* Any reputable person or the director may petition the court of commitment, or the court to which the venue has been transferred, for the restoration to capacity of a patient. Upon the filing of such petition, *if the petition is made by the director*, the court shall fix the time and place for the hearing thereof, notice of which shall be given as the court *directs*. Upon proof of the petition, the court shall restore the patient to capacity.

Subd. 2. Hearing; notice to director and county attorney; notice of restoration to superintendent of hospital. Upon the filing of a petition by any person other than the director the court shall fix the time and place for the hearing thereof,

ten days' notice of which shall be given to the director *and to the county attorney* and to such other persons and in such manner as the court *directs*. Any person may oppose such restoration. Upon proof that the patient is not *mentally ill, senile, inebriate, mentally deficient, or epileptic* the court shall order him restored to capacity at the expiration of 30 days from the date of such order. *The copy of said order shall be mailed to the superintendent of the state hospital or institution where said patient was last confined.*

Subd. 3. Licensed doctors of medicine; compensation. The court may appoint two licensed doctors of medicine or two persons skilled in the ascertainment of mental deficiency to assist in the determination of the mental capacity of the patient. The court shall allow and order paid to each person so appointed the sum of \$10.00 per day for his services and 15 cents for each mile traveled. Upon such order the county auditor shall issue a warrant on the county treasurer for the payment thereof.

Subd. 4. County attorney may attend. The county attorney shall attend the hearing and shall oppose the restoration *of the patient* in the probate court and *in the appellate courts, if he deems it for the best interest of the public.*

Subd. 5. Director may petition for release of patient. *When it appears to the director that a person committed to his guardianship is no longer in need of such guardianship, he may petition the court of commitment, or the court to which the venue has been transferred, for his discharge as such guardian.*

Subd. 6. Hearing; discharge. *Upon the filing of such petition the court shall fix the time and place for the hearing thereof, notice of which shall be given as the court directs. Upon proof of the petition the court shall make an order discharging the director as such guardian.*

Sec. 13. Minnesota Statutes 1945, Section 525.79, is amended to read as follows:

525.79. Appeal. The director may appeal to the district court in the manner prescribed by sections 525.71 to 525.74 for appeals by the state.

Any person aggrieved, other than the director of public institutions, may appeal to the district court in the manner prescribed by sections 525.71 to 525.74. Such appeal shall not suspend the operation of the order appealed from until reversed or modified by the district court. Upon perfection

of the appeal, the return shall be filed forthwith. The district court shall give the appeal preference over every other proceeding therein, and hear the matter de novo, without a jury, and in a summary manner. Upon determination of the appeal, judgment shall be entered pursuant to the provisions of sections 525.71 to 525.74.

Sec. 14. **Repealer.** Minnesota Statutes 1945, Sections 253.03, 253.04, 253.05, 254.08, 255.01, 255.02, 255.03, 255.04, 255.05, 255.06, 255.07, 255.08, 255.09, 255.10, 255.11, and 255.12, are repealed.

Approved April 28, 1947.

CHAPTER 623—H. F. No. 899

An act relating to the qualifications for marriage and amending Minnesota Statutes 1945, Section 517.03.

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

Section 1. Minnesota Statutes 1945, Section 517.03, is amended to read as follows:

517.03. **Marriages prohibited.** No marriage shall be contracted while either of the parties has a husband or wife living; nor within six months after either has been divorced from a former spouse; *excepting re-intermarriage between such parties*; nor within six months after either was a party to a marriage which has been adjudged a nullity, *excepting intermarriage between such parties*; nor between parties who are nearer of kin than second cousins; whether of the half or whole blood, computed by the rules of the civil law; nor between persons either one of whom is epileptic, imbecile, feeble-minded, or insane; nor between persons one or both of whom are under 15 years of age.

Approved April 28, 1947.