

the attention of the reader. In any event the notice shall be of a size at least two columns in width by six inches in length. The notice shall set forth the percentage of increase over the existing levy and the number of mills or dollars increase proposed.

Sec. 3. This act is effective upon its approval by the governing body of the governmental subdivision named in section 1, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 17, 1971.

CHAPTER 352—S.F.No.513

An act relating to rights of accused; criminal responsibility of the mentally ill and mentally deficient, and the disposition of such persons charged with criminal offenses; amending Minnesota Statutes 1969, Sections 611.026, 631.18 and 631.19.

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

Section 1. Minnesota Statutes 1969, Section 611.026, is amended to read:

611.026 MENTALLY ILL OR DEFICIENT PERSONS; RIGHTS OF ACCUSED. No person shall be tried, sentenced, or punished for any crime while ~~in a state of idiocy, imbecility, lunacy, or insanity, so~~ mentally ill or mentally deficient so as to be incapable of understanding the proceedings or making a defense; but he shall not be excused from criminal liability except upon proof that at the time of committing the alleged criminal act he was laboring under such a defect of reason, from one of these causes, as not to know the nature of his act, or that it was wrong.

Sec. 2. Minnesota Statutes 1969, Section 631.18, is amended to read:

631.18 MENTAL ILLNESS OF DEFENDANT. When any person under indictment or information, and before or during the trial thereon and before verdict is rendered, shall be found to be ~~insane, an idiot, or an imbecile~~ mentally ill so as to be incapable of understanding the proceedings or making a defense, the court in which such indictment or information is filed shall forthwith commit him to the proper state hospital or ~~asylum~~ for safekeeping and treatment; and when at such time any such person shall, in addition, be found to have homicidal tendencies, such court shall forthwith commit him to

Changes or additions indicated by underline, deletions by ~~strikeout~~.

the Minnesota Security Hospital for safekeeping and treatment; and in either case the person shall be received and cared for at the institution to which he is thus committed until he shall ~~recover; be certified by the head of the hospital as competent to stand trial and participate in his defense, whereupon~~ when he shall be returned to the court from which he was received to be placed on trial upon such indictment or information; and when at such time any such person shall be found to be mentally deficient so as to be incapable of understanding the proceedings or making a defense and is under commitment as mentally deficient to the guardianship of the commissioner of public welfare the court shall order him remanded to the care and custody of the commissioner, and if not under such commitment, the district judge shall petition the probate court for such commitment under section 253A.07. Nothing herein shall be construed as preventing the transfer of any person from one institution to another by order of the commissioner of public welfare in accordance with law as he may deem necessary.

Sec. 3. Minnesota Statutes 1969, Section 631.19, is amended to read:

631.19 ACQUITTAL ON GROUND OF MENTAL ILLNESS OR DEFICIENCY; COMMITMENT; RELEASE. When, 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 the indictment, ~~insane, an idiot, or an imbecile~~ mentally ill or mentally deficient 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~~. If such person is found to have been mentally ill, the court shall thereupon, forthwith, commit such person to the proper state hospital or asylum for safekeeping and treatment; and when, in the opinion of such jury or court, such person, at such date, had homicidal tendencies, the same shall also be stated in the verdict or upon the minutes, and the court shall thereupon, forthwith, commit such person to the Minnesota Security Hospital for safekeeping and treatment; and in either case such person shall be received and cared for at such hospital or asylum to which he is thus committed. If such person is found to have been mentally deficient and is under commitment as mentally deficient to the guardianship of the commissioner of public welfare, the court shall order him remanded to the care and custody of the commissioner, and if not under such commitment, the district judge shall petition the probate court for such commitment under section 253A.07.

The person so acquitted shall be liberated from such hospital or asylum upon the order of the court committing him. ~~thereto, when there is~~ There shall be first presented to the court the certificate, in writing, of the superintendent head of the hospital or asylum where such person is confined, certifying that in the opinion of such superintendent head of the hospital such person is ~~wholly recovered~~

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improved sufficiently to be released and that no person will be endangered by his discharge.

After receiving the recommendation contained in the certificate, if the court determines that such person has improved sufficiently to be released and that no person will be endangered by his discharge, the court shall order his release.

If the ~~superintendent head~~ of the hospital ~~or asylum~~ fails or refuses to furnish such certificate at the request of the person committed, then such person may petition such court for his release, and hearing on the 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 such hospital or asylum, and he shall then be so discharged and released.~~

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 or discharge~~ 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 the court may order the release of such confined person from such 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 such hospital ~~or asylum~~ and placed on parole or discharge with the person named by the court in its order.

Nothing herein shall be construed as preventing the transfer of any person from one institution to another by the order of the commissioner of public welfare in accordance with law and as he may deem necessary.

Approved May 17, 1971.

CHAPTER 353—S.F.No.669

[Not Coded]

An act relating to the tax levy for general revenue purposes in the county of Kanabec.

Changes or additions indicated by underline, deletions by ~~strikeout~~.