

CHAPTER 526

PROBATE GENERAL PROVISIONS

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526.01-526.07 [Repealed, 1959 c 578 s 7]

526.09 PSYCHOPATHIC PERSONALITY.

The term "psychopathic personality," as used in sections 526.09 to 526.11, 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 personal acts, or a combination of any such conditions, as to render such person irresponsible for personal conduct with respect to sexual matters and thereby dangerous to other persons.

History: (8992-184a) 1939 c 369 s 1; 1986 c 444

526.10 LAWS RELATING TO MENTALLY ILL PERSONS DANGEROUS TO THE PUBLIC TO APPLY TO PSYCHOPATHIC PERSONALITIES.

Except as otherwise provided herein or in chapter 253B, the provisions of chapter 253B, pertaining to persons mentally ill and dangerous to the public 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. Before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having knowledge of the facts and file the same with the judge of the probate court of the county in which the "patient," as defined in such statutes, has a settlement or is present. The judge of probate shall thereupon follow the same procedures set forth in chapter 253B, for judicial commitment. The judge may exclude the general public from attendance at such hearing. If, upon completion of the hearing and consideration of the record, the court finds the proposed patient has a psychopathic personality, the court shall commit such person to a public hospital or a private hospital consenting to receive the person, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as provided for in chapter 253B for persons found to be mentally ill and dangerous to the public. The patient shall thereupon be entitled to all of the rights provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public, and all of the procedures provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public shall apply to such patient.

History: (8992-184b) 1939 c 369 s 2; 1969 c 431 s 1; 1982 c 581 s 24; 1984 c 623 s 9; 1986 c 444

526.11 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.

History: (8992-184c) 1939 c 369 s 3

526.12 [Repealed, 1967 c 317 s 4]

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- 526.123 [Repealed, 1961 c 596 s 1 subd 6]
- 526.124 [Repealed, 1961 c 596 s 1 subd 6]
- 526.125 [Repealed, 1961 c 596 s 1 subd 6]
- 526.126 [Repealed, 1961 c 596 s 1 subd 6]
- 526.127 [Repealed, 1951 c 327 s 6]
- 526.13 [Repealed, 1961 c 596 s 1 subd 6]
- 526.14 [Repealed, 1961 c 596 s 1 subd 6]
- 526.15 [Repealed, 1961 c 596 s 1 subd 6]
- 526.16 [Repealed, 1961 c 596 s 1 subd 6]
- 526.17 [Repealed, 1961 c 596 s 1 subd 6]
- 526.18 [Repealed, 1977 c 35 s 21]
- 526.181 [Repealed, 1969 c 1139 s 89]
- 526.19 [Repealed, 1974 c 387 s 3]

526.20 SALARIES AND CLERK HIRE NOT TO BE AFFECTED BY DECREASE IN GROSS TAX CAPACITY.

Neither the salary nor allowance for clerk hire of any judge of probate shall be decreased during the term for which elected or appointed by reason of any decline in the population of the county or by a decrease in the gross tax capacity of the county, but such salary and clerk hire shall be paid during the balance of such term of office in the amounts authorized prior to such reduction in population, or by a decrease in gross tax capacity of the county.

History: (8706-2) 1931 c 30; 1986 c 444; 1988 c 719 art 5 s 84