

No. 281

AN ACT

To amend sections three hundred and eleven, four hundred and four, and four hundred and twelve of, and to add article six (a) to, the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of the mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties."

Section 1. Be it enacted, &c., That section three hundred and eleven of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," is hereby amended to read as follows:

Section 311. (a) Any person mentally defective may be placed and detained in a proper State or licensed school for mental defectives by order of the court of common pleas or other court of record or the juvenile court of the county in which such person is or resides, upon the sworn or affirmed petition of any parent, guardian, or other responsible person, addressed to the said court, praying that the said person may be placed therein. The said petition must be accompanied by a sworn or affirmed certificate of a qualified physician that it is his opinion that the said person is mentally defective and a proper subject for commitment to a school for mental defectives; in the said certificate the physician shall further state the facts of his own observation, and any other information upon which his said opinion is based. It shall be, in other respects, in form similar to that prescribed by the department for the admission of persons mentally ill to a hospital for mental diseases.

The said petition shall be in form prescribed by the department, and shall state the name, sex, age, and

Real estate.

Section 311 of act of July 11, 1923 (P. L. 998), amended.

Admission of mental defective by order of court.

Petition of parent.

Certificate of physician.

Form.

Contents of petition.

residence of the person alleged to be mentally defective, the opinion of the petitioner that the said person is mentally defective, and such other facts as may be required by the department; if the facts, or any of them, are unknown to the petitioner, it shall be so stated in the petition.

Hearing.

Notice.

Presence of alleged defective.

Commitment by court.

Consent of superintendent.

Cost of clothing and other support.

Payment by estate.

By husband or parent.

Other support to be provided by Commonwealth.

Detention after reaching age of twenty-one.

Thereupon the said court, or a judge thereof, may, in his discretion, appoint a day for a hearing of the said petition, and, if he shall appoint a day for a hearing, he shall cause notice thereof to be given to the proper parties in interest; and, in his discretion, he may or may not require the presence of the alleged mentally defective person at said hearing. If it shall be made to appear to the said court or judge that the said person is mentally defective and a proper subject for commitment to a school for mental defectives, and that the best interests of the said person or the safety and welfare of the public require such commitment, the court shall make an order committing such mentally defective person to the school named in the petition, and direct his removal thereto by a proper officer or person; but before any person shall be admitted, under the provisions of this section, to any school for mental defectives, the consent of the managers, trustees, or superintendent thereof to such admission shall have been obtained.

At the said hearing the said court or judge shall inquire as to the estate of such mentally defective person, and, if the same be sufficient for the purpose, shall make an order directing the payment therefrom of the cost of clothing and other support of such mentally defective person in said school, otherwise that such payment be made by the husband or parent of such mentally defective person, if it appear that the circumstances of such husband or parent are such as to make such an order proper and advisable. Where the estate of said mentally defective person is insufficient, and the circumstances of said husband or parent are not such as to warrant such an order for the payment of clothing and other support, or either of them, the expense of clothing of said mentally defective person shall be paid for by the said county in which such mentally defective person resides; and all other support shall be provided for by the Commonwealth, at such per capita rates as shall be appropriated by the Legislature, on the application of the trustees or managers of the said school, after submission of the same to and approval by the department.

When any mentally defective person shall have been committed to any school, under the provisions of this sub-section, by a juvenile court, the managers or superintendent of said school have authority to detain such person after he shall have reached the age of

twenty-one years; and thereafter, in the discretion of said managers or superintendent, such person may be discharged or allowed a leave of absence upon order of the court of common pleas or other court of record, or a judge thereof, of the county in which the said commitment was made.

Discharge.

(b) When any person detained in any prison, penitentiary, reformatory, or other penal or correctional institution, whether awaiting trial or undergoing sentence, except upon conviction for murder in the first degree, shall, in the opinion of the superintendent, jail physician, warden, or other chief executive officer of the institution, or other responsible person, be mentally defective; or when any person charged with a criminal offense and released on bail pending trial therefor, shall, in the judgment of any responsible person, be a mental defective,—the said superintendent, jail physician, warden, other chief responsible officer of the institution, or other responsible person, shall, in the case of a person detained in an institution, and said responsible person in other cases may, make application, upon a form prescribed by the department, to a law judge of the court having jurisdiction of the charge against said person believed to be mentally defective, or under whose order he is detained, for the examination, and if necessary, the commitment of said person to a proper institution for mental defectives.

Person detained in prison thought to be a mental defective.

Person on bail thought to be mental defective.

Application for examination and commitment.

After the completion of the Cumberland Valley State Institution for Mental Defectives, all applications for the commitment of male mental defectives, over sixteen years of age, who have been arraigned and convicted, or who are in custody on a criminal charge, shall request the commitment of such persons to said Cumberland Valley State Institution for Mental Defectives.

Application for male defective criminals.

The judge to whom application shall be made as hereinbefore provided shall forthwith order an inquiry by two qualified physicians, or by a commission, as provided by section three hundred and four of this act, who shall immediately examine the person alleged to be mentally defective and make written report of their findings to the said judge. If, in their opinion, the said person is mentally defective, the physicians shall so state in a certificate conforming to the requirements of section three hundred and two of this act; or the commission, in a report conforming to the requirements of section three hundred and four of this act. They shall also report whether, in their opinion, such person is of criminal tendency. The said judge may, in his discretion, summon other witnesses and secure further evidence; and, if he shall then be satisfied that the person alleged to be mentally defective is in fact mentally defective, he shall order his commitment to an institution for mental defectives; or, if detained in a prison, peni-

Inquiry by two physicians or by a commission.

Report.

Summoning other witnesses.

Commitment.

Commitment of male criminals over sixteen.

Stay of criminal proceedings.

Return to penal or correctional institution.

Time in institution for mental defectives to be counted as part of sentence.

Return to court for trial.

Expenses of examination and costs of commitment, transfer and maintenance.

Section 404 amended.

Discharge of patient.

Criminal patient not to be discharged without order of court.

Homicidal patient.

Examination by and consent of department.

penitentiary, reformatory, or other penal or correctional institution, his transfer to an institution for mental defectives: Provided, That after the completion of the Cumberland Valley State Institution for Mental Defectives, males over sixteen years of age committed or transferred under the provisions of this subsection shall be committed or transferred to the Cumberland Valley State Institution for Mental Defectives.

If the person found to be mentally defective and committed to an institution under this subsection is awaiting indictment or trial, or has been arraigned, or is being tried, proceedings against him shall be stayed until his condition becomes such that he can leave the institution. His condition becoming such that he may be released from the institution for mental defectives, he shall, if he was previously confined in a prison, penitentiary, reformatory, or other penal or correctional institution, be returned, upon proper order of the court, to the institution from which he was transferred for the disposition of the charges against him or the completion of his sentence; and if he was a convict serving a sentence, the time during which he was in the institution for mental defectives shall be computed as part of the term for which he was sentenced. If he was committed to the institution for mental defectives before trial he shall, upon being released from the institution for mental defectives, be returned to the court having jurisdiction over him for trial or such other disposition of such charges as the court may lawfully make.

The expense of examination, including the fees of physicians or commissioners, and all costs incidental to the commitment or transfer and of maintenance in the institution for mental defectives, shall be paid by the county in which the person committed or transferred was charged with or sentenced for crime.

Section 2. That section four hundred and four of said act is hereby amended to read as follows:

Section 404. The board of trustees of any mental hospital, and the superintendent thereof when given general or special authority therefor by such board of trustees, or the person in charge if there be no board of trustees, shall have the power and authority to discharge any patient from such hospital if, in their or his opinion, no harm will arise from such action; but no insane criminal under sentence, and no person charged with any crime and acquitted on the ground of insanity, shall be discharged from such hospital without an order of the court in which he was sentenced or acquitted authorizing such discharge. No patient who is known to be homicidal or otherwise dangerous to be at large shall be discharged without examination by, and the written consent of, the department, nor without a sufficient guarantee by the person for said patient's support and care that the safety of the public or

any individual shall be safeguarded. No patient, whose parent, guardian, or friend liable for his support shall oppose his discharge, shall be discharged without notification to such parent, guardian, or friend, and opportunity given him to state his reasons for wishing the said patient's further detention; and no mentally defective person or inebriate who has been committed by an order of court, except in the case of a person discharged by lapse of time from leave of absence or escape, and except in case such inebriate has been under hospital care for one year, shall be discharged without the recommendation of the chief medical officer in charge and an order from the court.

Notice to parent or guardian.

Recommendation of medical officer and order of court.

A mental defective who has been arraigned and convicted, or was in custody on a criminal charge, prior to his transfer to an institution for mental defectives, shall not be discharged under the foregoing provisions before he might have been discharged from the prison, penitentiary, reformatory, or other penal or correctional institution from which he was originally transferred to the institution for mental defectives.

Criminal patient not to be discharged until sentence expires.

A mental defective, forty-five years of age and over, not having criminal tendencies, and no longer requiring treatment, training, and custody in an institution for mental defectives, may, upon recommendation of the superintendent and trustees, with the approval of the Department of Welfare, be returned to the county to which he or she belongs, provided that in cases committed by a court the consent of said court shall first be obtained.

Return of mental defective to county of domicile.

Section 3. That section four hundred and twelve of said act is hereby amended to read as follows:

Section 412 amended.

Section 412. Any mental patient, except such as has been charged with any crime and acquitted on the ground of insanity, or arraigned or convicted, who has been absent, with or without leave, for a period of twelve months continuously from the hospital in which he was under care, shall be deemed to be discharged from the said hospital and cannot be readmitted except as provided by law in Article III of this act; *but this section shall not apply to the case of mental defectives who shall be on indefinite leave of absence when away from the institution, which mental defectives may be returned to the institution without new commitment unless formally discharged.*

Discharge by lapse of time.

Mental defective on leave of absence.

Section 4. That said act is hereby amended by adding thereto the following article:

Article VI added.

ARTICLE VI (a)

COLONIES FOR MENTAL DEFECTIVES

Section 625. Whenever, in the judgment of the superintendent and the board of trustees of any State institution for mental defectives, there is a group of patients in such institution of such a character that their

interests and the interests of the Commonwealth would be better served through their colonization in a colony outside of such an institution, and if such a colony can be established without damage to private property or detriment to the public welfare, these facts may be brought to the attention of the Department of Welfare. If the department shall approve, it may authorize the superintendent, with the approval of the board of trustees of such institution, to establish such a colony by the rental or purchase of suitable property. The patients of such colony may be employed on and about the premises of said colony, or under supervision by residents of the community. Strict account shall be kept by the treasurer of the institution of the cost of administration thereof, of the wages of the patients, and any other direct compensation paid to them, and of all financial transactions of such colony. The superintendent and the trustees of the institution shall, with the approval of the Department of Welfare, determine the wages of the patients, the portion of the wages to be paid the Commonwealth as maintenance reimbursement, the portion to be set aside for the benefit of the patients of the institution or colony, and the portion to be paid to the patient.

Section 626. Upon discharge from the institution the superintendent shall determine whether any balance to the credit of a patient shall be immediately paid over to such discharged patient or his guardian, or shall be held in trust by the treasurer of the institution until such time as, in the judgment of the Department of Welfare, it would serve the best interests of such patient to pay to him or to his guardian the balance or any part thereof.

Rental or purchase of property.

Employment of patients.

Accounts.

Wages of patients.

Balance to credit of patient.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 282

AN ACT

To amend section twenty-eight of the act, approved the fifth day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred ninety-three), entitled "An act to create a Bureau of Building Inspection, and to regulate the construction, maintenance, and inspection of buildings and party walls in cities of the first class."

Cities of first class.

Section 28 of act of May 5, 1899 (P. L. 193), amended.

Section 1. Be it enacted, &c., That section twenty-eight of the act, approved the fifth day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and ninety-three), entitled "An act to create a Bureau of Building Inspection, and to regulate the construction, maintenance, and inspection of buildings and party walls in cities of the first class," is hereby amended to read as follows:

Dwellings to be not less than 14 feet in width.

Proviso.

Section 28. No dwelling house shall be erected on a lot of a less average width than fourteen (14) feet: Provided, That this limitation shall not apply to lots

of less than fourteen (14) feet in width having buildings erected thereon: Provided further, That a dwelling house may be erected on a lot of less width than fourteen (14) feet, and a lot of less width than forty-two (42) feet may be subdivided into lots of equal width, upon which dwelling houses may be erected, but no such lot shall be decreased in width to a greater extent than five per centum of fourteen (14) feet. This provision shall only apply when the aforesaid lots are bounded by ground having buildings erected thereon at the time of the approval of this act, or when bounded on each side by ground belonging to other owners at the time of the approval of this act, and every such dwelling shall have an open space attached to it in the rear or at the side equal to at least one hundred and forty-four (144) square feet of clear space, unobstructed by any overhanging structure. In all dwellings hereafter erected the cellars shall extend underneath the whole house and be ventilated from both ends; *or, in lieu of such cellar, it shall have a free air space of not less than eighteen (18) inches between the surface of the ground and the underside of the floor joists, except that where the floor is of waterproofed masonry construction, not less than four (4) inches thick, such free air space may be omitted. In case a free air space is provided in lieu of a cellar, it shall be drained and there shall be openings in the exterior walls for cross ventilation. Such openings shall be screened by heavy galvanized wire mesh screen, or closely fitted iron bars, or other acceptable substitute, so as to prevent the ingress of small animals. When cellars are omitted, dwellings may be set upon piers or foundation walls which shall extend below the frost line and to a depth required by law, and shall have footing to keep load distribution within carrying capacity of the soil. In low, damp, or made ground the bottom of all cellars shall be covered with concrete or asphalt at least three (3) inches thick, or such material as shall be approved by the Bureau of Building Inspection.*

Proviso.

Application of provision.

Extent and ventilation of cellars.

Free air space.

Openings to be screened.

When cellars omitted.

APPROVED—The 27th day of April, A. D. 1927.

JOHN S. FISHER

No. 283

AN ACT

For the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties.

Section 1. Be it enacted, &c., That the words "public eating or drinking place" shall mean any place within this Commonwealth where food or drink is served to, or provided for, the public, with or without charge, including, among others, hotels, restau-

Health.

Public eating and drinking places.