

CHAPTER 273.

[ S. B. 179. ]

SEXUAL PSYCHOPATHIC PERSONS.

AN ACT providing for a civil proceeding concerning sexual psychopathic persons and relating to psychiatrist's examination, treatment, commitment and detention of criminal sexual psychopathic persons, and dealing with the supervision of sex criminals upon parole or after termination of sentence to prevent recidivism.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. (a) All persons suffering from a mental disorder and not insane or feeble-minded, which mental disorder has existed for a period of not less than one year immediately prior to the filing of the petition hereinafter provided for, and having been convicted at least once as a sex offender, are hereby declared to be criminal sexual psychopathic persons.

Criminal sexual psychopathic persons.

(b) A sex offender within the meaning of this act is a person who has pleaded guilty or has been convicted of any one or more of the following crimes: abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of minors where sex offenses are involved, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing a child for immoral purposes, and any disorderly conduct involving a sex offense.

A sex offender.

(c) A psychiatrist within the meaning of this act is a physician and surgeon licensed to practice in the State of Washington who has exclusively limited his professional practice to the diagnosis and treatment of mental and nervous disorders for a period of not less than three (3) years.

A psychiatrist.

SEC. 2. Jurisdiction over criminal sexual psychopathic persons is vested in the Superior Courts of the State of Washington for the purpose of conducting

Jurisdiction in superior courts.

hearings for commitment for purposes of observation and detention of such persons as hereinafter provided.

Prosecutor may file petition in superior court.

SEC. 3. When any person is charged with a sex offense in any Justice Court, or Superior Court of the State of Washington, and it shall appear to the Prosecuting Attorney of the county wherein such person is so charged that such person is a criminal sexual psychopathic person, then the Prosecuting Attorney of such county may file in the Superior Court a petition in writing, under oath, setting forth facts tending to show that the person named in such petition is a criminal sexual psychopathic person and is, by reason thereof, unsafe to be at large. Said petition shall be served upon the person so charged at least twenty (20) days prior to the hearing hereinafter provided.

Service.

Appointment of psychiatrist.

SEC. 4. (a) After the filing of the petition, the Superior Court shall appoint one or more psychiatrists for the purpose of making an examination of such alleged criminal sexual psychopathic person, directed toward ascertaining whether such person is a criminally sexual psychopathic person and said psychiatrist or psychiatrists shall file with the Court a report in writing stating the result of their examination, together with their conclusions and recommendations.

Report to be filed.

Fees for examination, report and testimony.

(b) Such psychiatrist or psychiatrists shall be paid by order of the Court a fee of not less than twenty-five dollars (\$25) and not more than fifty dollars (\$50) for examination and report and twenty-five dollars (\$25) for each and every day such psychiatrist is required to testify in Court.

Hearing on petition.

SEC. 5. (a) After having been tried and a verdict of guilty having been found, or after the person charged with a sex offense has pleaded guilty to such sex offense, a hearing on said petition shall be had.

(b) Such hearing shall be before a Judge of the Superior Court, sitting without a jury, unless a jury is demanded by written request within ten (10) days after service of petition upon the person charged with being a criminal sexual psychopath. The Court shall summon to said hearing the psychiatrist or psychiatrists having previously examined the person charged with being a criminal sexual psychopath.

With or  
without  
a jury.

(c) The Judge before whom such hearing is held shall examine the person so charged and shall examine, under oath, the psychiatrist or psychiatrists having filed with the Court a report on such person.

Examina-  
tion of  
witnesses.

(d) At such hearing, there shall be admitted in evidence any and all properly certified judgments and sentences of prior convictions of sex offenses of the person charged with being a criminal sexual psychopath. Such documents shall be proof of both conviction and the nature of the offense for which the person shall have been convicted.

Prior con-  
victions.

(e) The person charged with being a criminal sexual psychopath shall be represented by counsel and may introduce in his behalf testimony of a psychiatrist or psychiatrists of his own choosing. If the person charged is, by reason of poverty, unable to procure counsel, the Court shall appoint such counsel upon the request of the person so charged. Such counsel is to be paid, upon the order of the Court by the county in which the proceeding is had, twenty-five dollars (\$25) for each and every day actually spent in Court upon the hearing of such cause.

Counsel for  
accused.

May be at  
expense of  
county.

(f) If the Court shall determine that the person so charged is a criminal sexual psychopath and unsafe to be at large, then the Court shall commit such person, if such person has been convicted of the crime with which he has been charged imme-

On conviction court to order treatment.

diately prior to the filing of the petition in this proceeding, to serve his sentence in accordance with the laws relating to the sentencing of criminal offenders. But in such event, the Court shall order that such person be certified for treatment by a psychiatrist to be provided by the institution to which he has been sentenced on the criminal charge.

After serving sentence may be committed to hospital.

(g) A person charged with being a criminal sexual psychopath, if found to be afflicted with such criminal sexual psychopathy and found not to be safe at large, after having served his sentence or after having been paroled, shall be committed to the nearest state or county hospital having established facilities for the detention, care and treatment of criminal sexual psychopathic persons.

Prisons to provide psychiatrist.

Every Washington State Penitentiary and Reformatory shall engage on a full or part time basis the services of a psychiatrist and such psychiatrist shall, *inter alia*, examine and treat all persons confined in such State Penitentiary or Reformatory who have been certified as criminal sexual psychopathic persons.

State and county institutions to provide facilities.

The Board of County Commissioners of every county of the State of Washington wherein there is situated a state or county institution having established facilities for the treatment of criminal sexual psychopathic persons shall engage the full or part time services of a psychiatrist who shall, *inter alia*, examine and treat all persons confined in a county prison or jail who have been found to be criminal sexual psychopathic persons.

Prisoner may be confined in nearest state or county institution having facilities.

In counties which do not have available hospital facilities for observation and treatment of criminal sexual psychopathic persons, or do not have a psychiatrist available, the Court shall order such criminal sexual psychopathic persons to be transferred to the nearest state or county institution having established facilities for such treatment and such county.

shall be liable for payment to the receiving county for services rendered in connection with the observation, examination, care and treatment of such criminal sexual psychopathic persons.

Counties  
liable to  
receiving  
county.

Every county hospital of a Class A county, a county of the first class, or a county of the second class, shall employ the full or part time services of a psychiatrist, who shall perform such duties as the superintendent of such hospital shall prescribe. Every such county shall establish at such hospital facilities for examination, detention and treatment of criminal sexual psychopathic persons.

County  
hospitals  
of Class A  
and first  
class  
counties.

Criminal sexual psychopathic persons having been committed to a county or state hospital pursuant to this act shall be liable for payment of such hospitalization under the same rules and conditions as are now established by law with reference to insane persons committed to such hospital.

Persons  
liable for  
hospital-  
ization.

SEC. 6. (a) In cases where the Board of Prison Terms and Paroles authorizes a convict to leave the Penitentiary or the Reformatory on parole, the Board of Prison Terms and Paroles shall cause such convict to be brought before the committing Court if such convict has been found to be a criminal sexual psychopath. A hearing for discharge as a criminal sexual psychopath shall then be held before the committing Court.

Hearings for  
paroled  
convict.

(b) In cases where a convict shall have completed his sentence at a state or county prison or reformatory, such convict, if he has been found to be a criminal sexual psychopath, shall, before being set at liberty, be brought before the committing Court and a hearing for discharge as a criminal sexual psychopath, as hereinafter provided, shall be had.

Hearings  
before  
releases.

(c) If at such hearing, in the cases outlined under the two (2) preceding paragraphs of this section, the Judge shall find that such person has been cured and is safe to be at large, he shall release

May be com-  
mitted or  
released de-  
pending upon  
court's  
finding.

such convict on parole conditioned upon his continued treatment by a psychiatrist, or unconditionally, as the case may be; if, at such hearing, the Judge shall find that such convict has not been cured and is unsafe to be at large, he shall commit such person as provided in section 5, subsection (g) of this act.

Prisoner  
may apply  
for dis-  
charge.

(d) After commitment as provided in section 5, subsection (g) herein, a criminal sexual psychopathic person may file, or may have filed in his behalf, an application for discharge before the committing Court, setting forth facts showing that such criminal sexual psychopath has recovered and is safe to be at large.

Hearing  
within  
thirty days.

(e) The Court shall then set a date for such hearing, not later than thirty (30) days after the filing of such petition for discharge and shall order the person committed to be brought before it and shall order the psychiatrist or psychiatrists having treated such person to be examined on oath at such hearing with reference to the condition of such criminal sexual psychopath.

Examination  
and testi-  
mony.

Counsel and  
witnesses.

(f) At such hearing, the applicant shall have the right to be represented by counsel and to introduce testimony of a psychiatrist or psychiatrists of his own choosing.

Finding and  
disposal  
by court.

(g) If the Court finds that such person has fully recovered from such psychopathy and is safe to be at large, such person shall be released unconditionally. If the Court finds that such person has not fully recovered from such psychopathy and is not safe to be at large, it shall recommit such person to the institution which has custody of such person, for further treatment.

(h) If, at any time while the criminal sexual psychopath is being institutionalized as herein provided, a psychiatrist having treated such person concludes that such criminal sexual psychopath has

been cured and is safe to be at large, he shall immediately apply through the office of the Prosecuting Attorney to the Court of commitment and cause to be filed an application in writing, under oath, stating his reasons for such conclusions and, upon such application having been made, the Court shall order such criminal sexual psychopath to be brought before it and shall discharge him if, upon an oral examination of the criminal sexual psychopath, the Court is satisfied that such person has been cured and is safe to be at large.

Psychiatrist to apply to Prosecutor if he believes prisoner cured.

(i) Every criminal sexual psychopath being in the custody of an institution treating such person has the right, once every year after the date of such commitment or after the date of filing of any prior application for discharge, to file on his own motion, or have filed in his behalf by any relative or friend or interested person, an application for discharge as hereinabove provided.

Prisoner may apply once a year.

SEC. 7. If any section, provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not having been adjudged to be invalid or unconstitutional.

Saving clause.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the Senate March 9, 1947.

Passed the House March 9, 1947.

Approved by the Governor March 21, 1947.