

CHAPTER 198.

[ S. S. B. 87. ]

CARE AND TREATMENT OF MENTALLY ILL.

AN ACT relating to state government; providing for the commitment, custody, detention, treatment, parole and discharge of mentally ill, inebriated and dipsomaniac persons, sexual psychopaths and psychopathic delinquent persons; prescribing the powers and duties of certain officers, and defining crimes and prescribing penalties.

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

Act to be liberally construed.

SECTION 1. The provisions of this act shall be liberally construed so that persons who are in need of care and treatment shall receive humane care and treatment and be restored to a normal mental condition as rapidly as possible with an avoidance of loss of civil rights where not necessary and with as little formality as possible still preserving all rights and privileges of the person as guaranteed by the constitution.

Purpose of act.

Penalty for violation.

SEC. 2. Any person who knowingly contrives to have any person committed to any state institution unlawfully or without good faith shall be guilty of a gross misdemeanor.

Immunity from penalty if committed in good faith.

SEC. 3. When any person, peace officer, physician attending the patient, or physician attached to a public hospital or institution in which the patient is held, or other public official in the course of his duties, makes or files an application for the commitment of any person under any provisions for commitment of persons to state institutions in good faith, neither the person making or filing such application, nor his superiors, nor the department, hospital or institution to which he is attached, nor any of the employees thereof, shall be rendered liable thereby either civilly or criminally.

SEC. 4. When any person becomes so mentally ill as to require immediate emergency apprehension, supervision, or restraint during the night time, a legal holiday, or at other such times as the Judge of the Superior Court is not available, the patient may be detained in the quarters provided in any regular licensed hospital, sanitarium, or other suitable place upon the application of any person under oath setting forth that said patient is mentally ill and is unsafe to be at large until such time as the application may be presented to the Court, not to exceed forty-eight hours, unless a legal holiday falls on a Saturday or Monday, and then not exceeding seventy-two hours.

Emergency cases.

SEC. 5. At the time of the service of the application, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows:

The application which accompanies this notice has been filed in the superior court in and for the county of....., alleging that ..... is mentally ill and in need of supervision, treatment and care, ..... has the right to appear before the court to make a reply to the allegation, to bring in witnesses, and to be represented by an attorney and that should he be dissatisfied with any order of commitment he may have recourse to a jury trial, that he may call in his private physician at his own expense who may file a report of his physical and mental examination in the cause. If ..... or a relative or friend, counsel or representative desires to be heard by the court, he must, within three (3) days after his apprehension, file a request for a hearing with the clerk of the superior court of the county wherein the application is on file, and unless such a request is filed the judge may proceed to determine the case on the basis of the doctor's examination without the necessity of a hearing.

Notice.

SEC. 6. Any officer apprehending any person on an application of mental illness, shall, unless the person's guardian or responsible relative has taken possession of his personal property, take all necessary precautions with respect to the personal property in the actual possession of or in the premises

Personal property of patient.

Report thereof.

Disposition thereof.

occupied by such mentally ill person to preserve and safeguard the same pending the determination of the proceedings. The officer shall then furnish to the Court a full and complete and itemized report of the patient's property so preserved and safeguarded and its disposition, in substantially the form set forth in this section. Thereupon the responsibility imposed herein upon the officer shall terminate. Pending the examination, such order may be made relative to the care, custody, confinement and the preservation and safeguarding of the property of the alleged mentally ill person as to the Judge seems for the best interest, welfare and health of the patient.

REPORT OF OFFICER

I hereby report to the above entitled court that the personal property of the person apprehended herein consisting of ..... was preserved and safeguarded by ..... (insert name of officer, relative or guardian). The property is now located at .....

Dated....., 19.....  
signature of officer

Judge may determine mental status.

SEC. 7. If no demand is made for a hearing in behalf of the alleged mentally ill person within three (3) days of his apprehension as provided in this act, the Judge may proceed immediately to determine the mental status of the alleged mentally ill person. If the Judge is satisfied that the person is so mentally ill as to be in need of supervision, treatment, care and restraint, the Judge may immediately issue an order for the commitment of the person to an institution for the custody and treatment of persons who are mentally ill. No order for commitment shall issue unless two medical examiners have jointly made a physical and mental examination of the person alleged to be mentally ill and have filed with the Judge a report containing the facts and circumstances upon which the judgment of the examiners is based, and stating that the condition of the person

examined is such as to require care and treatment in an institution for the mentally ill. If no one has secured the services of two (2) medical examiners, the Court must designate two (2) such examiners. If it appears that the mentally ill person is harmless and his relatives or guardian are willing and able properly to care for him at some place other than a hospital or institution, upon their written consent, the Judge may order that the person be placed in the care and custody of his relatives or guardian. The Judge may require other proof in addition to the application and the report of the medical examiners. Such determination shall be made only from testimony under oath reported by a Court reporter and with findings of fact sufficient to support the determination made and filed by the Judge.

SEC. 8. If a request is made for a hearing on behalf of the alleged mentally ill person, the Judge shall, or he may upon his own motion, by order fix such time and place for the hearing and examination as will give reasonable opportunity for the production and examination of witnesses, as per chapter 72, Laws of 1947. Any person covered by the provisions of this act against whom an application for commitment has been filed shall be entitled to a trial by jury upon his or her demand or that of anyone in his or her behalf: *Provided*, That the provisions for jury trial shall not apply to alleged psychopathic delinquent minors. It shall be the duty of the Judge to inform the accused of his right to trial by jury and the appointment or selection of counsel therefor. If such demand be made the trial shall be by jury.

Request for hearing.

Right to jury trial except for minors.

SEC. 9. For the purpose of conducting hearings pursuant to commitment, the Court may be convened at any time and place within the county suitable to the mental and physical health of the person,

Where hearing may be held.

and such hearing shall be a regular open hearing as in any civil action, except that the time and place for the trial of civil actions if any party to the proceeding, prior to the hearing, objects to any different time or place, and provided that if the hearing is held at any place other than a regular court room of the Superior Court three (3) days' notice be given thereof to the patient and the petitioner, unless waived by the person or his representative, and appropriate minute order made thereof on the records of the Court.

Proviso.

Subpoenas.

SEC. 10. Subpoenas may be issued to compel the attendance of witnesses by the Superior Court Judge or in the same manner as in civil cases: *Provided*, That such subpoenas shall be effective within the boundaries of the county: *And provided further*, That the same shall be served by the Sheriff at the expense of the county. The Judge shall compel the attendance of at least two (2) medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged mentally ill person, and testify before the Court as to the result of the examination, and to any other pertinent facts within their knowledge. The Judge shall also cause to be examined before him as a witness any other person who he has reason to believe has any knowledge of the mental condition of the alleged mentally ill person or of his financial condition or that of the persons liable for his maintenance.

Two medical examiners required.

Fees of subpoenaed witnesses.

All witnesses attending a hearing upon subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in a like manner. An official Court Reporter shall be present who shall fully transcribe the proceedings.

SEC. 11. The alleged mentally ill person shall be present at any hearing, and if he has no attorney,

the Judge must appoint an attorney to represent him. Or, if a request is made for an attorney by the alleged mentally ill person or by anyone on his behalf, the Judge shall appoint an attorney to represent him, expenses to be paid by the county if the person is indigent.

Right to appear and counsel.  
Indigent persons.

SEC. 12. The medical examiners, after making the examination and hearing testimony, shall fully make out and sign a certificate of physical and mental examination and recommendation on forms provided by the Department of Public Institutions.

Certificate of examination.

SEC. 13. All files in these cases shall be closed files subject to examination only by the person alleged therein to be mentally ill or his representative until such time as an order of mental illness and commitment is made, at which time those facts required for the Clerk's index as hereinafter set forth, shall become a public file. The County Clerk shall keep an index, alphabetically arranged, which shall show the name and age of each person examined and declared to be mentally ill, the date of the order of commitment or hospitalization and the name of the licensed hospital or sanitarium to which the person was ordered confined and cared for, or the name of the designated state hospital to which the person was committed. All medical reports and case histories shall be available as part of the record for the use of the hospital wherein the person is to be confined, but no such records shall be a part of the public records and their contents shall be deemed subject to the physician patient privilege.

Files closed to public until order of commitment.

Clerk's index a public file.

Records privileged.

SEC. 14. If no legal guardian has been appointed for such patient, all monies found on the person of the mentally ill person at the time of the apprehension shall be certified to by the Judge and sent with the mentally ill person to the hospital, there to be delivered to the Superintendent thereof.

Monies on person of mentally ill person.

Effect of act.

SEC. 15. Nothing in this act shall be held to change or interfere with the provisions of law in this state relating to insane persons charged with crime or to the criminally insane.

Legal status during proceedings.

SEC. 16. Any person complained against in any application or proceedings started by virtue of the provisions of this act shall not forfeit or suffer any legal disability by reason of the pendency of proceedings under the provisions of this act, or while a person is under the jurisdiction of the Court, until an order declaring the person to be mentally ill has been made.

Persons under 16 years not to be in adult ward.

SEC. 17. No person under the age of sixteen (16) years shall be regularly confined in any ward in any state hospital, which ward is designed and operated to care for the adult mentally ill. No person between the ages of sixteen (16) and eighteen (18) shall be placed in any such ward when, in the opinion of the Superintendent, such placement would be detrimental to the mental condition of such a minor person or would impede his recovery and treatment.

Persons 16 years to 18 years of age.

Facilities and personnel for minors.

SEC. 18. The Director of Public Institutions may designate one (1) or more wards at one (1) or more state hospitals as may be deemed necessary for the sole care and treatment of minor persons referred to in section 17. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

Voluntary patients.

SEC. 19. Pursuant to rules and regulations established by the Department of Public Institutions, the Superintendent or person in charge of any state hospital shall receive and detain in such hospital as a patient any person who is, in the opinion of the Superintendent of such hospital, a suitable person

for care and treatment in such state hospital upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

Application  
for admis-  
sion.

(a) In the case of an adult person, the application shall be voluntarily made by the person, at a time when he is in such a condition of mind as to render him aware of the significance of his act.

By adults.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any such mental hospital as may be designated by the Director of Public Institutions under section 18 hereof to admit minors. Any such person received and detained in a state hospital shall be deemed a voluntary patient, and shall not suffer a loss of civil rights by reason of his application and admission. Upon the admission of a voluntary patient to a state hospital the Superintendent or person in charge shall immediately forward to the office of the Department of Public Institutions the record of such voluntary patient, showing the name, address, sex, place of birth, occupation, date of admission, and name of nearest relative and such other information as the Department may from time to time require.

By minors.

Records of  
voluntary  
patients.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than twelve (12) days after his having given notice in writing to the Superintendent or person in charge of such hospital of his desire to leave such hospital. No minor person received into a state hospital as a voluntary patient shall be detained therein for more than twelve (12) days after notice is given in writing to the Superintendent or other person in charge of the hospital by the parents, or the parent or guardian or other person entitled

Release of  
voluntary  
patients.

Adults.

Minors.

Voluntary minors may not be detained after majority.

Rules and regulations.

Section to be liberally construed.

Maximum period for voluntary patients.

Residence requirement.

Penalty for procuring escape of mental patients.

Detention of chronic alcoholics.

to the custody of the minor, of their desire to remove him from the hospital but if the Superintendent believes that further care, treatment, or restraint is required he shall, within the twelve (12) day period, start proceedings for commitment of said persons under the provisions of this act. Such person received into a state hospital as a voluntary patient during his minority shall not be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in these sections for application by adult persons. The Department shall establish such rules and regulations as are necessary to properly carry out the provisions of this section and it shall be the policy of the Department to permit liberal use of this section for those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the Superintendent, within a six (6) months' period. No person shall be carried as a voluntary patient for a period of more than one (1) year. No person shall be admitted as a voluntary patient who has not been a resident of the State of Washington for a period of two (2) years.

SEC. 20. Any person who procures the escape of any inmate of any mental hospital, school for mental defectives, or institutions for psychopaths to which a person is committed under any of the provisions of this act, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a misdemeanor.

SEC. 21. Whenever it appears by affidavit to the satisfaction of a Judge of the Superior Court that any person is so far addicted to the intemperate use of alcoholic beverages so as to become a chronic alcoholic, he shall issue and deliver to some peace

officer, for service, a warrant directing that the person be apprehended and taken before a Judge of the Superior Court for hearing and examination. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had.

SEC. 22. The form of the various applications and orders and the proceedings in the case of such a person shall be in substantially the same form as those set forth for the apprehension, detention, examination and adjudication of the mentally ill.

Form of applications and orders thereof.

SEC. 23. If the Judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of alcoholic beverages and is a chronic alcoholic, and if there be in the county or under state auspices some special facility, not a state hospital, provided for the care of such persons, he shall make an order that the person be confined in a licensed hospital or sanitarium, or in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural or other out-of-doors labor, he may make an order confining the person to such branch of the county jail.

Place of confinement for chronic alcoholics.

SEC. 24. If the Judge, after the hearing and examination, believes the person is addicted to the intemperate use of alcoholic beverages as to have lost the power of self-control and is a chronic alcoholic, but that the condition of the person is not such so as to require custodial care or treatment, the Judge may place such person on probation, subject to the supervision of the psychiatric probation officer, if there be one, or to the care of some other qualified person until further order of the Court.

May be placed on probation.

SEC. 25. As used in this act "sexual psychopaths" means any person who is affected in a form predisposing to the commission of sexual offenses, and in

"Sexual psychopaths" defined.

a degree constituting him a menace to the health or safety of others.

Affidavit that person charged with crime is a sexual psychopath.

Contents of affidavit.

Warrant.

Service of warrant and affidavit.

Hearings.

Findings.

Suspension of proceedings and commitment to a State Hospital.

SEC. 26. If, when any person is charged with crime either before or after adjudication of the charge, it appears by affidavit to the satisfaction of the Court that such person is a sexual psychopath within the meaning of this act, the Court may adjourn the proceedings or suspend the sentence, as the case may be, and thereupon proceed as provided by this act. The affidavit shall state fully the facts upon which the allegation is based. If the person is not then before the Court or in custody, the Court may order that the person be detained in a place of safety until the issue of and service of a warrant of apprehension. The Judge or Justice presiding in such Court shall issue and deliver to some peace officer, for service, a warrant directing that the person be apprehended and taken before a Judge of the Superior Court for a hearing and examination upon the allegation that the person is a sexual psychopath. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension, a copy of the affidavits and warrant shall be personally delivered to the person.

SEC. 27. If, upon the hearings of the allegation of sexual psychopathy, the person before the Court upon trial, or under conviction, is found not to be a sexual psychopath, the Court, may proceed with trial or impose sentence, as the case may be. If, upon the hearing on the allegation of sexual psychopathy, the person is found to be a sexual psychopath the Court may suspend proceedings, and commitment to a state hospital shall proceed according to the provisions for the commitment of the mentally ill.

SEC. 28. Whenever a person committed to a state hospital as a sexual psychopath recovers from his

sexual psychopathy to such an extent that, in the opinion of the Superintendent of the state hospital, he is no longer a menace to the health and safety of others, the Superintendent may certify said opinion to the committing Court. Unless within thirty days after the receipt of the certification the Court shall order the return of the person to await the further action of the Court with reference to the criminal charge against him, the Superintendent of the hospital in which the person is confined may parole the person, under such terms and conditions as shall be specified by the Superintendent, for a period of not less than five years. If at the end of the five year period the person has not shown any tendency to revert to his sexual psychopathy, he may be discharged as recovered. Whenever, in the opinion of the Superintendent, the sexual psychopath will not benefit by further care and treatment in the hospital, the Superintendent may return him to the Court for further disposition of the case.

Certification  
of opinion  
of recovery.

Parole for  
not less  
than five  
years.

SEC. 29. The person alleged to be a sexual psychopath shall be taken before a Judge of the Superior Court, to whom the affidavit and warrant of apprehension shall be delivered to be filed with the Clerk. The Judge shall then inform him that he is alleged to be a sexual psychopath, and inform him of his rights to make a reply to the allegation and to produce witnesses in relation thereto. The Judge shall by order fix such time and place for hearing and examination in open Court as will give reasonable opportunity for the production and examination of witnesses. If, however, the person is too ill to appear in Court, or if appearance in Court would be detrimental to the mental or physical health of the person, the Judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the Court or shall be signed by the Judge and filed and a certified copy

Rights of  
accused.

Order fixing  
time and  
place of  
hearing.

Hearings  
may be held  
at bedside of  
accused  
person.

Service of order.

thereof served on the person. The Judge shall order that notice of apprehension of the person and of the hearing on the allegation of sexual psychopathy be served on such relatives of the person known to be residing in the county as the Judge deems necessary and proper.

Judge shall appoint psychiatrists to examine accused.

SEC. 30. The Judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be the holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years, and at least one of whom shall be from the medical staff of a state hospital or psychopathic ward of a County Hospital, to make a personal examination of the alleged sexual psychopath, directed toward ascertaining whether the person is a sexual psychopath.

Report of examination to be filed with Court.

SEC. 31. The psychiatrists so appointed shall file with the Court a written report of the result of their examination, together with their conclusions and recommendations. At the hearing they shall hear the testimony of all witnesses, and shall testify as to the result of their examination and to any other pertinent facts within their knowledge.

Testimony of results of examination.

Examination of psychiatrists as witnesses.

SEC. 32. Any psychiatrist so appointed by the Court may be called by either party or by the Court itself, and when so called shall be subject to all legal objections as to competency and bias and as to qualifications as an expert. When called by the Court, or by either party to the proceedings, the Court may examine the psychiatrists, as deemed necessary, but either party shall have the same right to object to the questions asked by the Court and the evidence adduced as though the psychiatrist were a witness for an adverse party. When the psychiatrist is called and examined by the Court the parties may

cross examine him in the order directed by the Court. When called by either party to the proceeding the adverse party may examine him the same as in the case of any other witness called by such party.

SEC. 33. The provisions of this act relating to psychiatrists appointed by the Court shall not be deemed or construed to prevent any party to a proceeding under this act from producing any other expert evidence as to mental condition of the alleged sexual psychopath.

Other expert evidence as to mental condition of accused.

SEC. 34. The Judge shall cause to be examined as a witness any other person who he believes to have knowledge of the mental condition of the alleged sexual psychopath. In any proceedings under sections 26 thru 39 of this act, subpoenas may be issued and the attendance of witnesses compelled within the boundaries of the county as in any criminal case.

Judge may call witnesses.

Subpoenas.

SEC. 35. All witnesses attending a hearing upon a subpoena issued by the Court shall be entitled to witness fees and expenses as in criminal cases, to be paid upon the same conditions and in the same manner.

Fees and expenses of witnesses.

SEC. 36. The alleged sexual psychopath shall be present at the hearing and, if he has no attorney, the Judge may appoint an attorney to represent him.

Right to appear and to attorney.

SEC. 37. If, after examination and hearing, the Judge believes the person is a sexual psychopath, he shall make and sign an order that the person be committed to Eastern State Hospital at Medical Lake for the care and treatment of the mentally ill.

Order of commitment to Eastern State Hospital.

SEC. 38. Persons found to be sexual psychopaths under this act shall have the same rights to jury trial for persons found to be mentally ill.

Right to jury trial.

SEC. 39. The Sheriff of any county wherein an order is made by any Court committing any person

Duties of sheriff.

under this act or returning the person to the Court, or any other person designated by the Court, shall execute the writ of commitment or order of return and shall deliver certified copies of the affidavit, warrant of apprehension, order for hearing and examination, report of the psychiatrists and order of commitment or return to the Superintendent of the State Hospital or the Clerk of the Court to which the person is to be returned, as the case may be.

"Psychopathic delinquent" defined.

SEC. 40. As used in this act, "psychopathic delinquent" means any minor who is psychopathic, and who is an habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, to a state school for the mentally deficient as a mentally deficient person, or to a state hospital as a mentally ill person. As used in this act "minor" means any person under twenty-one years of age.

Facilities for care of psychopathic delinquents.

SEC. 41. The Director of Public Institutions may when legally authorized to do so, provide on the grounds of an existing state institution or institutions or on any other property owned or acquired by the state for such purpose, one or more wards or institutional units, to be used for the custodial care and treatment of psychopathic delinquents which shall be administered in the manner provided by law for the government of institutions in which such ward or institutional unit is established.

Petition for commitment.

SEC. 42. A petition alleging that a person is a psychopathic delinquent and asking that the person be committed to a state institution for psychopathic delinquents may be filed in the county wherein such person resides by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the person alleged to be a psychopathic delinquent;

Persons who may petition.

(b) Any Prosecuting Attorney;

(c) The Department of Youth Protection, when and if provided;

(d) Any duly appointed representative of the school district in which the person, if a minor, resides;

(e) Any official of a public welfare agency;

(f) Any person designated for that purpose by the Court;

(g) The Superintendent of a state institution for mentally defective persons.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

Contents of petition.

SEC. 43. The Court shall fix the time and place for the hearing of the petition. The hearing, may, in the discretion of the Court, be held at any time and place which the Court deems proper, and which will give opportunity for the production and examination of witnesses.

Hearing of the petition.

SEC. 44. In all cases the Court shall require due notice of the hearing of the petition to be given to the alleged psychopathic delinquent. Whenever a petition is filed by anyone except the parent or guardian, the Court shall require such notice of the hearing of the petition as it deems proper to be given to any parent, guardian, or other person charged with the support of the alleged psychopathic delinquent.

Notice of hearing.

SEC. 45. Whenever the Court considers it necessary or advisable, it may cause a warrant to be issued for the apprehension and delivery to the Court of

Warrant.

the alleged psychopathic delinquent, and may have the warrant issued by any peace officer.

Custody of accused pending hearing.

SEC. 46. Pending the hearing, the alleged psychopathic delinquent may be left in the charge of his parent, guardian, or other suitable person, or may be placed in the psychopathic ward of a County Hospital, or County Detention Home.

Subpoena of psychiatrists or psychologists required.

SEC. 47. The Court shall inquire into the mental condition, record, character, and personality of the alleged psychopathic delinquent. For this purpose it shall by subpoena require the attendance before it of at least two persons who have made a special study of mental deficiency, psychopathic personality, or delinquency, each of whom shall be a clinical psychologist or psychiatrist, to examine the person and testify concerning his mentality, character and personality. The Court may also by subpoena require the attendance of such other persons as it deems advisable, to give evidence.

Commitment for observation or diagnosis.

SEC. 48. If the Court, after hearing the evidence, is of the opinion that, or in doubt whether, the person is a psychopathic delinquent, the Court may commit the person to a state institution for psychopathic delinquents for observation and diagnosis for a period not to exceed ninety days, with the further provision in said order that the Superintendent of such institution shall within the ninety day period report to the Court his diagnosis and recommendations concerning such minor. The Court shall attach to the order of ninety day commitment its findings and conclusions, together with all the social and other data it has bearing upon the case, and the same shall be delivered to the institution with such order. The Superintendent or other person in charge of the state institution in which the minor has been placed for observation shall within ninety days examine the person and forward to the com-

Report of diagnosis and recommendations.

mitting Court a report, diagnosis and recommendation concerning the minor's future care, supervision and treatment. If the Superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the Court that the minor is a psychopathic delinquent, and recommends that the minor be so committed, the Court shall proceed with the case and make such orders for the return of the minor to the Court and for the time, place and notice of the further hearing as the Court may deem necessary and proper under all the circumstances. Upon such further hearing, the Court may make an order committing the person to the Department of Public Institutions for placement in a state institution for psychopathic delinquents for an indeterminate period. No person shall be committed for an indeterminate period as a psychopathic delinquent unless an observation commitment has been diagnosed, reported, and recommended upon as provided in this section. If the Department has designated a particular state institution to receive designated minors committed for observation or for an indeterminate period as psychopathic delinquents, all commitments shall be made to the Department for placement in the institution so designated. On the presentation of either order designated herein, the Superintendent of the institution to which the minor is committed may receive him therein if there is room in the unit designated herein under section 42 and if the fund available for its support is not exhausted. Before any such person is conveyed to the institution it shall be ascertained from the Superintendent thereof that such person has been accepted as herein set forth.

Further hearing.

Commitment.

Particular institutions for minors designated.

SEC. 49. A psychopathic person committed pursuant to this act shall remain under commitment until discharged, and the attainment of the age of

Length of term of commitment.

twenty-one years by the psychopathic person shall not terminate his commitment.

Parole.

SEC. 50. Any person committed under the provisions of this act may be paroled by the Superintendent of the institution wherein the person is confined whenever thereafter the Superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole, and the Superintendent certifies such opinion to the committing Court. Unless within thirty days after the receipt of such certification the committing Court orders the return of the person to await the further action of the Court, the Superintendent may parole the person under such terms and conditions as may be specified by the Superintendent. Any such paroled inmate may, at any time during the parole period, be recalled to the institution. The period of parole shall in no case be less than five years. When any person has been paroled for five consecutive years, if in the opinion of the Superintendent and the Director of Public Institutions the person is no longer a menace to the health, person, or property of himself or of any other person, the Superintendent, subject to the approval of the Director, may discharge the person. When, in the opinion of the Superintendent, a person who is committed under this chapter has been sufficiently treated, or will not benefit by further care and treatment in the institution, or has improved to such an extent that he is no longer a menace to the health and safety of others, the Superintendent may return the person to the Court for further disposition of his case by the Court.

Recall.

Discharge.

Return to  
the Court.

Minors  
before  
Juvenile  
Court.

SEC. 51. If, when a minor is brought before a Juvenile Court or charged with crime in any Court, it appears to the Court, either before or after adjudi-

cation, that the minor is a psychopathic delinquent, the Court may adjourn or suspend the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this act against the minor in the Superior Court, and the Court may order that, pending the preparation, filing and hearing of the petition, or upon a subsequent hearing under this act the minor is found not to be a psychopathic delinquent, the Superior Court shall return the person to the Court in which the case originated for such disposition as that Court may deem necessary and proper. If, upon the hearing of the petition, the Court is of the opinion that, or in doubt whether, the minor is a psychopathic delinquent, the Court shall proceed in accordance with the provisions of section 49 for the commitment of the minor or other disposition of the case.

Suspension of proceedings if minor is a psychopathic delinquent.

Procedure pending hearing.

Hearing.

SEC. 52. Any person not authorized by law so to do, who brings into any institution or within the grounds thereof, any opium, morphine, cocaine or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons, or explosives of any kind is guilty of a felony.

Penalty for bringing drugs and intoxicating liquor into institution.

SEC. 53. As used in sections 53 thru 68 of this act, "establishment" and "institution" include every hospital, sanitarium, home, or other place receiving or caring for any insane, alleged insane, mentally ill, or other incompetent person referred to in this division.

"Establishment" and "institution" defined.

SEC. 54. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the insane, alleged insane, mentally ill, or other incompetent persons referred to in this act without first having obtained a license therefor from the Department of Public Health, and having paid the li-

Private institutions.

License required.

Penalty for violations.

cense fee provided in this act. Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment, or for the care and treatment of the insane or alleged insane, mentally ill, or incompetents without first having obtained a license from the Department of Public Health, as in this act provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this act shall be liable under the provisions of this act in the same manner and to the same effect as a private individual violating the same.

Corporation officers liable.

Duties of prosecuting attorney.

SEC. 55. The Prosecuting Attorney of every county shall, upon application by the Department of Public Health or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this act.

Plan of premises required.

SEC. 56. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is fixed by the following schedule:

License fees.

- (a) For establishments licensed to receive not more than six patients, the fee is five dollars;
- (b) For establishments licensed to receive more than six but not more than twenty-five patients, the fee is twenty-five dollars;

(c) For establishments licensed to receive more than twenty-five but not more than fifty patients, the fee is fifty dollars;

(d) For establishments licensed to receive more than fifty patients, the fee is seventy-five dollars.

In the case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The Department shall require a license fee in situations where licensed establishments increase their number of patients during any fiscal year, based on a pro-rata charge under the schedule set forth herein. No additional fee will be required in the event of an application for transfer of a license to another person to operate the same establishment. No additional license fee shall be required for the transfer of the license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

SEC. 57. The Department of Public Health shall not grant any such license until it has made an examination of the premises proposed to be licensed and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Examination  
of premises  
prior to  
licensing.

SEC. 58. The Department of Public Health may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the inmates of the establishment so demand, the Department may, for just and reasonable cause, suspend or revoke any such license after notice and hearing.

Examination  
of premises  
after licens-  
ing.

Suspension  
and revoca-  
tion of  
license.

SEC. 59. All licenses issued under the provisions of this act shall expire on the first day of July next

Expiration  
of licenses.

Renewal  
of licenses.

succeeding the date of issue. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the Department of Public Health annually, not less than ten days prior to its expiration and if application is not so filed, the license shall be automatically cancelled.

Periodic  
inspections.

SEC. 60. The Department may at any time cause any hospital, establishment or home caring for or treating insane, alleged insane, mentally ill or incompetent persons to be visited and examined.

May inspect  
the entire  
premises.

SEC. 61. Each such visit may include an inspection of every part of each establishment, and all the outhouses, places, buildings and grounds used in connection therewith. The representatives of the Department of Public Health may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the Department may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

May examine  
records,  
property,  
inmates and  
personnel.

Management  
and im-  
provement of  
establish-  
ments.

SEC. 62. The representatives of the Department of Public Health may, from time to time, at times and places designated by the Department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them, from time to time, written recommendations in regard thereto.

Duty to file  
recommen-  
dations of  
the Depart-  
ment.

SEC. 63. The authorities of each establishment for insane or mentally ill persons or other incompetents shall place on file in the office of the establishment the recommendations made by the Department of Public Health as a result of such visits,

for the purpose of consultation by such authorities, and for reference by the Department representatives upon their visits. Every private establishment or home for the care and treatment of insane, mentally ill or other incompetent persons referred to in this act shall keep records of every person admitted thereto as follows and shall furnish to the Department, when required, the following data: name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, and date of discharge.

Duty to maintain records for the Department.

SEC. 64. This act shall not prevent local authorities of any city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for private institutions for the care, custody or treatment of the insane, alleged insane or other incompetent persons, not in conflict with the provisions of this act, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such city or city and county.

Act not to interfere with local regulations.

SEC. 65. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive and detain therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. Upon the admission of a voluntary patient to a private institution, hospital,

Voluntary patients in private institutions.

Application.

Record to  
Department.

or sanitarium, the person in charge shall immediately forward to the office of the Department of Public Health a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital or sanitarium, and such other information as may be required by rule of the Department of Public Health. No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than ten days after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium.

Written  
communica-  
tions of in-  
mates of  
private  
institution.Duties of  
institution.

SEC. 66. No person in a private institution, hospital, sanitarium, department, or ward for the care or treatment of any person provided for by this act shall be restrained from sending written communications of the fact of his detention in such institution to a friend, relative, or other person. The physician in charge of such person and the person in charge of such hospital shall send each such communication to the person to whom it is addressed. If, however, the person in charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to the person detained, or if the physician finds it impossible to send any such communication within twenty-four hours, then both the physician in charge of the patient and the person in charge of the institution shall give notice of the detention of such patient to the Prosecuting Attorney of the county from which the patient came at the time of admission and the Prosecuting Attorney of the county in which the institution is located, and the person to whom such communication was addressed, and to the Department of Public Health, giving the name and address of the patient and the names and addresses of the person or persons who

arranged for his admission and stating the facts of the attempted communication and the reason for withholding it. Such Prosecuting Attorney or Prosecuting Attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full concerning said patient to the Department of Public Health. The person in charge of the institution may detain a patient only when there has been compliance with the provisions of this section.

Duties of Prosecuting Attorney.

SEC. 67. No Court proceeding shall be had in relation to the mental condition of a patient in a private institution, hospital, sanitarium, department or ward for the care of or treatment of the mentally ill unless the patient is either present or represented by an attorney. The Judge of the Superior Court before whom the proceedings are to be heard shall appoint two licensed medical examiners who are not connected with any private psychopathic institution to make a personal examination of the patient and to testify before the Judge as to the results of such examinations. The provisions of this section shall not be applicable to proceedings for the appointment of a guardian under general law of this state.

Court proceedings.

Right to appear and to counsel.

Judge shall appoint two examiners.

SEC. 68. Failure to comply with any of the provisions of sections 64 through 67 shall constitute grounds for revocation of license: *Provided, however,* That nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any sanitarium, home, establishment, or institution as defined in this act conducted in accordance with the practice and principles of the body known as Church of Christ, Scientist.

Revocation of a license.

Church of Christ, Scientist exempt from act.

SEC. 69. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be

Partial invalidity.

unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act.

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 19, 1949.

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CHAPTER 199.

[ S. B. 349. ]

APPROPRIATIONS—DEPARTMENT OF HIGHWAYS.

AN ACT relating to public highways; making appropriations therefor from the Motor Vehicle and Highway Equipment Funds; declaring an emergency and that this act shall take effect April 1, 1949.

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

Appropriations to Department of Highways.

Salaries, wages and operations.

SECTION 1. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, for salaries, wages and operations of the office of the Director of Highways and/or district offices of the Department of Highways including that of the Traffic Engineer and Research and Planning Survey, the sum of two million, six hundred seventy-six thousand, three hundred sixty dollars (\$2,676,360) or so much thereof as shall be necessary.

State aid monies to incorporated cities and towns.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the Department of Highways, to be expended by the Director of Highways for the biennium ending March 31, 1951, for the purpose of supervising the work and expenditures of state aid monies allotted to incorporated cities and towns and to counties as provided by chapter 181, Laws of 1939, and amendments thereof, the sum of one hundred eighty-eight thousand, one hundred thirty dollars (\$188,130) or so much thereof as shall be necessary.