

### CHAPTER 253

#### HOSPITALS AND ASYLUMS FOR THE INSANE

##### 253.01 LOCATION; SUPERINTENDENTS.

**HISTORY.** 1878 c. 91 s. 1; G.S. 1878 c. 35 s. 39; 1887 c. 254 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 41a; 1889 c. 230; 1893 c. 5 ss. 1 to 3, 6; G.S. 1894 ss. 3447 to 3449, 3452; 1895 c. 157; 1901 c. 122; R.L. 1905 s. 1915; 1907 c. 144; G.S. 1913 s. 4082; G.S. 1923 s. 4508; M.S. 1927 s. 4508.

##### 253.02 DETENTION HOSPITALS.

**HISTORY.** 1893 c. 5 s. 9; G.S. 1894 s. 3455; R.L. 1905 s. 1916; 1907 c. 48; 1909 c. 224 s. 1; G.S. 1913 s. 4083; G.S. 1923 s. 4509; M.S. 1927 s. 4509; 1945 c. 547 s. 1.

The probate court may authorize direct commitment of a person with psychopathic personality to the asylum at St. Peter if considered dangerous to the public. OAG July 7, 1939 (248E-3).

##### 253.03 PATIENTS, HOW ADMITTED; DISCHARGE.

**HISTORY.** 1866 c. 6 ss. 15, 16; 1867 c. 12 s. 2; 1868 c. 18 s. 7; 1893 c. 5 s. 15; G.S. 1894 s. 3461; 1895 c. 119 s. 2; 1897 c. 291; 1907 c. 48; 1909 c. 224 s. 3; G.S. 1913 s. 4085; G.S. 1923 s. 4511; M.S. 1927 s. 4511.

Unless prisoner in state penitentiary is afflicted or believes himself to be afflicted with mental disease, he cannot be transferred to state hospital at St. Peter for medical treatment. OAG Feb. 14, 1933.

##### 253.04 APPLICATION FOR ADMISSION OF INSANE PERSON BY RELATIVE OR BY GUARDIAN; DUTIES OF JUDGE OF PROBATE.

**HISTORY.** 1893 c. 5 s. 15; G.S. 1894 s. 3461; 1895 c. 119 s. 2; 1897 c. 291; 1907 c. 48; 1909 c. 224 s. 4; G.S. 1913 s. 4086; G.S. 1923 s. 4512; M.S. 1927 s. 4512.

##### 253.05 INFORMATION FILED WITH JUDGE; BOARD OF EXAMINERS.

**HISTORY.** 1893 c. 5 ss. 17 to 19; G.S. 1894 ss. 3463 to 3465; 1895 c. 119 ss. 3, 4; 1897 c. 212; 1897 c. 311; 1899 c. 44; 1905 c. 85; 1905 c. 341; 1907 c. 48; 1909 c. 224 s. 5; G.S. 1913 s. 4087; G.S. 1923 s. 4513; M.S. 1927 s. 4513.

##### 255.053 HEARINGS TO DETERMINE INSANITY IN CERTAIN CASES.

**HISTORY.** 1945 c. 138.

##### 253.06 DISCHARGE FROM HOSPITAL.

**HISTORY.** 1907 c. 48; 1909 c. 224 s. 6; G.S. 1913 s. 4088; G.S. 1923 s. 4514; M.S. 1927 s. 4514.

##### 253.07 STATE HOSPITAL COMMISSION.

**HISTORY.** 1907 c. 48; 1909 c. 224 s. 7; G.S. 1913 s. 4089; G.S. 1923 s. 4515; M.S. 1927 s. 4515.

##### 253.08 TIMES OF MEETING.

**HISTORY.** 1907 c. 48; 1909 c. 224 s. 8; G.S. 1913 s. 4090; G.S. 1923 s. 4516; M.S. 1927 s. 4516.

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### **253.09 TRANSFERS BETWEEN ASYLUMS; HOUSING OF MEN AND WOMEN.**

HISTORY. 1909 c. 63 s. 1; G.S. 1913 s. 4091; G.S. 1923 s. 4517; M.S. 1927 s. 4517.

### **253.10 DEATH OR ILLNESS; NOTICE GIVEN NEXT OF KIN.**

HISTORY. 1893 c. 5 s. 13; G.S. 1894 s. 3459; R.L. 1905 s. 1917; G.S. 1913 s. 4092; G.S. 1923 s. 4518; M.S. 1927 s. 4518.

### **253.11 INMATES MAY SELECT CORRESPONDENTS.**

HISTORY. 1887 c. 146 ss. 1, 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 ss. 26a, 26b; 1893 c. 5 ss. 28, 29; G.S. 1894 ss. 3474, 3475; R.L. 1905 s. 1918; G.S. 1913 s. 4093; G.S. 1923 s. 4519; M.S. 1927 s. 4519.

### **253.12 DUTIES OF SUPERINTENDENT.**

HISTORY. 1887 c. 146 s. 4; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 s. 26d; 1893 c. 5 ss. 30, 32, 33, 36; G.S. 1894 ss. 3476, 3478, 3479, 3482; R.L. 1905 s. 1919; G.S. 1913 s. 4094; G.S. 1923 s. 4520; M.S. 1927 s. 4520.

### **253.13 NOTICE OF ESCAPE.**

HISTORY. 1893 c. 5 s. 41; G.S. 1894 s. 3487; R.L. 1905 s. 1920; G.S. 1913 s. 4095; G.S. 1923 s. 4521; M.S. 1927 s. 4521.

### **253.14 INCURABLE INSANE.**

HISTORY. 1893 c. 5 s. 43; G.S. 1894 s. 3489; R.L. 1905 s. 1921; G.S. 1913 s. 4096; G.S. 1923 s. 4522; M.S. 1927 s. 4522

### **253.15 PATIENTS MAY BE PAROLED IN CERTAIN CASES.**

HISTORY. 1893 c. 5 ss. 37, 44; G.S. 1894 ss. 3483, 3490; R.L. 1905 s. 1922; G.S. 1913 s. 4097; G.S. 1923 s. 4523; M.S. 1927 s. 4523; 1931 c. 73; M. Supp. s. 4523.

The parole or discharge of a psychopathic personality is governed by the same provisions as the dangerously insane. 1940 OAG 32, March 19, 1940 (248b-11); 1942 OAG 27, Dec. 26, 1941 (248b-11).

### **253.16 DISCHARGE OF PATIENTS.**

HISTORY. 1866 c. 6 s. 20; 1867 c. 12 s. 5; 1868 c. 18 s. 11; G.S. 1878 c. 35 s. 25; 1893 c. 5 s. 45; G.S. 1894 s. 3491; R.L. 1905 s. 1923; G.S. 1913 s. 4098; G.S. 1923 s. 4524; M.S. 1927 s. 4524.

The probate court has power to hear and determine applications for restoration to capacity by patients in insane hospitals. *State v. O'Brien*, 186 M 432, 243 NW 434.

In an action against assistant superintendent of a state hospital for insane to recover damages for alleged wrongful commitment of plaintiff to that institution, failure of defendant to discharge plaintiff therefrom, and claimed mistreatment and abuse of plaintiff while incarcerated therein, held that there is no showing that defendant had any authority relative to plaintiff's commitment, nor as to his discharge, or that plaintiff sustained the burden of proof as to the responsibility of defendant for claimed abuse and mistreatment. *Plumley v Heyerdale*, 197 M 577, 268 NW 201.

NOTE: As to confinement of one acquitted of crime on the ground of insanity, including the question of right to discharge on restoration to sanity, see note in 1 LRA (NS) 540; and supplemental note in 25 LRA (NS) 946.

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### 253.17 FEEBLE-MINDED CHILDREN TRANSFERRED TO SCHOOL FOR FEEBLE-MINDED.

HISTORY. 1879 c. 31 ss. 4, 5; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 ss. 28c, 28d; 1893 c. 5 s. 46; G.S. 1894 s. 3492; R.L. 1905 s. 1924; G.S. 1913 s. 4099; G.S. 1923 s. 4525; M.S. 1927 s. 4525.

### 253.18 CLOTHING AND MONEY.

HISTORY. 1866 c. 6 ss. 20, 24; 1867 c. 12 ss. 5, 9; 1868 c. 18 ss. 11, 13; G.S. 1878 c. 35 ss. 25, 26; 1893 c. 5 s. 47; G.S. 1894 s. 3493; R.L. 1905 s. 1925; G.S. 1913 s. 4100; G.S. 1923 s. 4526; M.S. 1927 s. 4526.

### 253.19 ANNUAL REPORT.

HISTORY. 1866 c. 6 s. 26; 1868 c. 8 s. 15; G.S. 1878 c. 35 s. 29; 1893 c. 5 ss. 8, 52; G.S. 1894 ss. 3454, 3498; R.L. 1905 s. 1926; G.S. 1913 s. 4101; G.S. 1923 s. 4527; M.S. 1927 s. 4527.

### 253.20 ASYLUM FOR DANGEROUS INSANE.

HISTORY. 1907 c. 338 s. 1; G.S. 1913 s. 4102; G.S. 1923 s. 4528; M.S. 1927 s. 4528.

A person committed under the law relating to dangerous insane should have gone to the asylum for the dangerous insane and not to the Fergus Falls state hospital. OAG Jan. 27, 1932.

The probate court may direct commitment of a person with psychopathic personality to the asylum at St. Peter if considered dangerous to the public. OAG July 7, 1939 (248B-3).

Section 253.26 is not exclusive means of commitment to asylum for the dangerous insane, since this section permits transfer to asylum of any patient in state hospital found to be dangerous, probably including a patient with a psychopathic personality. OAG Aug. 3, 1939 (248B-3). 1940 M 33.

### 253.21 COMMITMENT; PROCEEDINGS; RESTORATION OF SANITY.

HISTORY. 1893 c. 5 ss. 38 to 40; G.S. 1894 ss. 3484 to 3486; 1907 c. 338 s. 2; 1913 c. 540 s. 1; G.S. 1913 s. 4103; G.S. 1923 s. 4529; M.S. 1927 s. 4529.

Where an inmate of a penal institution is declared insane by a commission, he may be transferred to institution for feeble-minded without the authorization of the board of parole (director of public institutions) but the board of control (director of public institutions) must direct the transfer. OAG Aug. 30, 1935 (341h).

Where an inmate of a penal institution becomes insane and is examined by a commission and found to be so mentally deranged that he should be confined in an insane hospital, it is not necessary prior to commitment to hospital to secure from the board of parole a medical parole, the order of judge of probate being sufficient. OAG Oct. 26, 1935 (341h).

The expense of the commitment of an insane person or feeble-minded person in institution should be paid by the county of legal settlement and not by the institution or out of state funds. OAG June 5, 1936 (679e).

Where one without settlement in state was convicted in St. Paul and sent to reformatory and later transferred to state prison and was still later committed by the probate court of Washington county to the hospital for the criminal insane, the cost of commitment must be paid by Ramsey county and not by the state or the state prison. OAG Jan. 21, 1937 (248b-3).

Where a person was adjudged insane and later paroled, a new proceeding under this section is not necessary to a transfer from reformatory following the vacation of a suspended sentence. OAG Feb. 2, 1939 (248a-2).

Proposed youth correction act. 28 MLR 331.

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### 253.22 ALLOWANCES.

HISTORY. 1907 c. 338 s. 3; G.S. 1913 s. 4104; G.S. 1923 s. 4530; M.S. 1927 s. 4530.

The estate of a convict inmate of an insane hospital is not liable for his maintenance. OAG June 15, 1933.

### 253.23 TRANSFER PROCEEDINGS.

HISTORY. 1907 c. 338 s. 4; G.S. 1913 s. 4105; G.S. 1923 s. 4531; M.S. 1927 s. 4531.

### 253.24 TERMS OF SENTENCE.

HISTORY. 1907 c. 338 s. 5; G.S. 1913 s. 4106; G.S. 1923 s. 4532; M.S. 1927 s. 4532.

Time runs on all jail sentences while in an asylum. State ex rel v Jorgenson, 176 M 572, 224 NW 156.

### 253.25 COMMITMENT BEFORE CONVICTION.

HISTORY. 1907 c. 338 s. 6; G.S. 1913 s. 4107; G.S. 1923 s. 4533; M.S. 1927 s. 4533.

### 253.26 TRANSFER FROM OTHER ASYLUM.

HISTORY. 1907 c. 338 s. 7; G.S. 1913 s. 4108; G.S. 1923 s. 4534; M.S. 1927 s. 4534.

As affecting the transfer of a psychopathic personality patient from a state hospital to an asylum for the dangerous insane, this section requires a finding that the patient has homicidal tendencies, but this section is not exclusive means of commitment, since section 253.20 permits the transfer of any patient found to be dangerous. OAG Aug. 3, 1939 (248B-3).

### 253.27 CORRESPONDENCE WITHOUT CENSORSHIP.

HISTORY. 1887 c. 146 ss. 1, 2; G.S. 1878 Vol. 2 (1888 Supp.) c. 35 ss. 26a, 26b; 1893 c. 5 ss. 28, 29; G.S. 1894 ss. 3474, 3475; 1907 c. 338 s. 8; G.S. 1913 s. 4109; G.S. 1923 s. 4535; M.S. 1927 s. 4535.