

21 thereof; and to enact a new section of said Article to be known as Section 34A thereof, to follow immediately after Section 34 thereof, providing for the manner of committing certain lunatic and insane persons to institutions and for proceedings to determine the sanity of persons confined in institutions and the method whereby such persons may be so confined and released.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 22 of Article 59 of the Annotated Code of Maryland (1939 Edition), title "Lunatics and Insane", sub-title "Board of Mental Hygiene", be and the same is hereby repealed, and that a new section be and the same is hereby enacted in lieu thereof, to be known as Section 22 and to follow immediately after Section 21 of said Article, said new section to read as follows:

22. Any person confined in any State or licensed private institution for the care, custody or treatment of insane persons, or anyone in his behalf, including the Superintendent or physician in charge of such institution, may file a petition in the Circuit Court for any county or a Court of law in the City of Baltimore, requesting that the person so confined be brought before said Court for the purpose of having the sanity of such person determined, and the Court shall forthwith empanel a jury of twelve men to be selected by the Court from the jurors then in attendance upon said Court, or if the Court is then in recess, the jurors shall be selected from those in attendance at the term of Court at which said petition shall be heard; provided, however, that if the person so confined as aforesaid waives in writing or in open Court his right to have a jury pass upon his sanity, the Court may, in its discretion, dispense with the jury, in which event, the Court shall thereupon proceed to hear and determine the matter without the intervention of a jury. Any party in interest shall have the right to process to compel the attendance of witnesses. If the Court or jury, as the case may be, shall determine that such person is insane or is suffering from a mental disease, the Court shall order said person committed to the institution from which he immediately came, or to some other suitable institution, otherwise he shall be discharged.

SEC. 2. *And be it further enacted*, That a new section be and the same is hereby enacted, to be known as Section 34A of Article 59 of the Annotated Code of Maryland (1939 Edition), title "Lunatics and Insane", sub-title "Board of Mental Hygiene", to follow immediately after Section 34 of said Article, said new section to read as follows: