

## CHAPTER 488

(Senate Bill 14)

AN ACT to repeal and re-enact, with amendments, Section 43 of Article 59 of the Annotated Code of Maryland (1964 Replacement Volume), title "Lunatics and Insane," subtitle "Department of Mental Hygiene," to authorize the removal of prisoners from any of the State correctional institutions or facilities to the jurisdiction of the Department of Mental Hygiene for a determination of sanity, to provide for the expense of removal, for the return of such prisoners to the Department of Correction or further retention under the jurisdiction of the Mental Hygiene Department and to correct erroneous references therein.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 43 of Article 59 of the Annotated Code of Maryland (1964 Replacement Volume), title "Lunatics and Insane," subtitle "Department of Mental Hygiene," be and it is hereby repealed and re-enacted, with amendments, to read as follows :

## 43.

Whenever the [Board] *Department* of Correction may deem it necessary it may request the Department of Mental Hygiene to examine and pass upon the mental condition of the convicts confined in [the penitentiary or house of correction] *any institution or facility under the jurisdiction of the Department of Correction* and if the convict or convicts so examined be adjudged insane or feeble-minded by [said] *the Department of Mental Hygiene*, and the removal of such convict or convicts be deemed advisable said Department of Mental Hygiene shall order [said Board] *the Department* of Correction to remove such insane or feeble-minded convict or convicts to some insane asylum within the State to be designated in such order of removal. All the expense incurred in the removal of such insane or feeble-minded convict or convicts shall be borne by [said Board] *the Department* of Correction and the maintenance in such asylum of such insane or feeble-minded convict or convicts shall be met in the manner provided in this article for other insane, lunatic or feeble-minded persons. If at any time after being removed to such asylum any such convict or convicts shall, in the opinion of said Department of Mental Hygiene recover his reason before the expiration of the term for which he was sentenced [to the penitentiary or house of correction], he shall be returned [thereto] *to the jurisdiction of the Department of Correction* at the expense of such asylum, there to be kept until such term shall expire, or until otherwise discharged in due course of law. If any of such convicts shall, in the opinion of said Department of Mental Hygiene be still insane, lunatic or feeble-minded at the expiration of the term for which he was sentenced [~~to the penitentiary or house of correction~~], THE NEED FOR CONTINUED HOSPITALIZATION SHALL BE CERTIFIED BY TWO PHYSICIANS NOT CONNECTED WITH THE HOSPITAL AND he shall remain in such asylum until in the opinion of said Department of *Mental Hygiene* ~~he shall have recovered his reason~~ IT SHALL BE DETERMINED THAT HE IS NO LONGER A DANGER TO HIMSELF, NOR TO OTHERS, ~~OR~~ NOR TO THE PROPERTY OF OTHERS BY REASON OF MENTAL ILLNESS.