

No. 434, S.]

[Published July 12, 1917.]

CHAPTER 620

AN ACT to amend sections 4697 and 4700 of the statutes, relating to the trial and commitment of persons insane and feeble-minded.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 4697 and 4700 of the statutes are amended to read: Section 4697. When any person is indicted or informed against for any offense and such person or counsel in his behalf shall, at the time and before the commencement of the trial, claim or pretend that such person, at the time of the commission of such alleged offense, was insane *or feeble-minded* and for that reason not responsible for his acts, the court shall order a special plea, setting up and alleging such insanity, *or feeble-mindedness*, to be filed on his behalf with the plea of not guilty; and the special issue thereby made shall be tried and determined by the jury with the plea of not guilty; and if such jury shall find upon such special issue that such accused person was so insane, *or feeble-minded*, or that there is reasonable doubt of his sanity *or mental responsibility* at the time of the commission of such alleged offense, they shall return a verdict of not guilty because insane, *or feeble-minded*. The presumption of such accused person's sanity *and mental normality*, at the time of the commission of such alleged offense, shall prevail and be sufficient proof thereof on the trial of such special issue, unless the evidence produced on such trial shall create in the minds of the jury a reasonable doubt of the sanity *or mental responsibility* of such accused person at the time of the commission of such alleged offense. If the defendant shall be found by the jury "not guilty because insane" *or* "not guilty because feeble-minded", he shall forthwith be committed by the court to one of the state hospitals for the insane *or to the home for the feeble-minded*, there to be detained and treated until he shall be discharged according to law. A reexamination of his sanity *or mental condition* may be had as in the case of other patients, but no such person so committed shall be discharged from detention unless the magistrate or the jury upon whom devolves the duty to pass upon his sanity *and mental condition* shall, in addition to finding him sane *and mentally responsible*, also find that he is not likely to have such a recurrence of insanity *or mental irresponsibility* as would result in acts which, but for insanity *or mental irresponsibility*, would

constitute crimes. The expense of such detention and treatment shall be borne by and be a proper charge against the county in which such insane *or feeble-minded* person was indicted or informed against for such offense; and such county may be reimbursed therefor out of the estate or property of such insane, *or feeble-minded* person.

Section 4700. When any person is indicted or informed against for any offense if the court shall be informed, in any manner, that there is a probability that such accused person is, at the time of his trial, insane, *or feeble-minded* and thereby incapacitated to act for himself, the court shall, in a summary manner, make inquisition thereof by a jury or otherwise as it deems most proper; and if it shall be thereby determined that such accused person is so insane *or feeble-minded* his trial for such offense shall be postponed indefinitely, and the court shall thereupon order that he be confined in one of the state hospitals for the insane *or in the home for feeble-minded*, and the superintendent of such hospital *or home* shall receive such insane *or feeble-minded* person upon such order and confine and treat him in such hospital *or home* as other insane *or feeble-minded* persons are kept and treated therein; and upon the recovery of such person from his insanity *or feeble-mindedness* the said superintendent shall notify the sheriff of the county in which such indictment or information shall be pending of such recovery, and said sheriff shall thereupon take such accused person into his custody, and he shall be committed to the county jail of said county or held to bail for his appearance at the next succeeding term of said court for trial for such offense: but in case it shall be determined by the proper authorities of said hospital *or home* that the insanity *or feeble-mindedness* of such accused person is incurable he shall then be treated and disposed of as other cases of incurable insanity *or feeble-mindedness* according to law.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 10, 1917.