

**Table C—Summary of Sex Crimes Reported by California Sheriffs' Offices and Police Departments  
1946-1949**

The material presented in the table below was specifically submitted for the Governor's Sex Crime Conference within the past four days by California Sheriffs and Chiefs of Police.

Because of the necessary time limitations and consequent lack of uniformity and completeness of the data, the information herein should be considered as a partial sampling of the sex crime situation as reflected by the records of some of the law enforcement agencies of California.

Subject to the specified limitations, it is felt that the information concerning number of arrests will be of interest; despite the lack of information from all law enforcement agencies in California, it represents the most accurate summary currently available to this division.

	1946	1947	1948	1949	Totals	Combined sheriff's offices and police departments 1946-49
Sheriff's offices (30 out of 58 counties reporting)						
All sex crime arrests-----	594	784	676	763	2,817	18,725
Felony arrests-----	368	473	402	459	1,702	8,390
Misdemeanor arrests-----	226	311	274	304	1,115	10,335
All sex crime convictions-----	284	362	315	402	1,363	4,903
Felony convictions-----	168	208	171	238	785	1,668
Misdemeanor convictions-----	116	154	144	164	578	3,235
Police departments (43 out of 305 cities reporting)						
All sex crime arrests-----	3,571	3,563	4,457	4,298	15,908*	
Felony arrests-----	1,581	1,812	1,814	1,472	6,688*	
Misdemeanor arrests-----	1,990	1,751	2,643	2,826	9,220*	
All sex crime convictions-----	1,024	917	922	665	3,540*	
Felony convictions-----	203	242	244	190	883*	
Misdemeanor convictions-----	821	675	678	475	2,657*	

\* Includes data from one department not segregated by year which was added to final totals.

#### NOTE

1. Some sheriff's offices specified reporting included statistics for police departments within the same county, either partially or covering all items listed above. Accordingly an effort was made to avoid duplication of these items and accounts for some variance in arrests and convictions credited to agencies reporting.

2. Table includes arrests in the City of Los Angeles but does not include convictions in that jurisdiction.

3. Data is included for eight cities in Los Angeles County but does not include figures summarizing the entire county.

4. In most instances, information for 1949 covers the period January 1st to December 1st.

#### DISCUSSION ON THE CALIFORNIA LAWS FOR SEXUAL PSYCHOPATHS AND MENTALLY ABNORMAL SEX OFFENDERS SUBMITTED BY ATTORNEY GENERAL FRED N. HOWSER

##### Sexual Psychopaths

Chapter 4, Division 6, Part 1 of the Welfare and Institutions Code, Sections 5500-5518, deals with sexual psychopaths.

These sections provide that a sexual psychopath is any person who is affected, in a form predisposing to the commission of sexual offenses, and in a degree constituting him a menace to the health and safety of others with any of the following conditions: Mental disease or disorder; psychopathic personality; marked departures from normal mentality.

Sections 5501 and 5502 provide for a hearing on the allegation of sexual psychopathy. This allegation is made by affidavit to the judge when a person has been charged with a crime. The hearing is had only after adjudication of the charge and after it appears to the satisfaction of the court that there is probable cause for believing the defendant is a sexual psychopath. The court may then adjourn the proceeding or sus-

court finds there is sufficient cause to believe the person is a sexual psychopath, he must make an order committing the person to the Department of Mental Hygiene for placement in a state hospital designated by the court for an indeterminate period, but if after examination and hearing the judge is in doubt, he must order the person to be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court for observation and diagnosis for a period not to exceed ninety days and the order must also provide that the superintendent shall report to the court his diagnosis and recommendations concerning such person within the ninety-day period. The superintendent must within ninety days examine the person and forward to the committing court a report, diagnosis and recommendation.

If the superintendent reports to the court that the person is not a sexual psychopath, the person is returned to the court for further disposition of his case, but if he reports that the person is a sexual psychopath and would benefit by treatment in a state hospital which is not available in a penal institution to which the person would otherwise go, the court then orders the return of the person to court and may accept the report of the superintendent, if verified, in lieu of testimony of court-appointed psychiatrists, or may consider the report as additional evidence.

A further hearing is then held and the court may then make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period.

If a person has been committed as a sexual psychopath, and if the superintendent believes that the party has recovered and is no longer a menace to the health and safety of others, or if the superintendent believes that the person will not benefit by further care and treatment in the hospital and is not a menace to the health and safety of others, or if the superintendent believes that the person has not recovered and is still a menace to the health and safety of others, the superintendent and Director of Mental Hygiene must certify their opinion to the committing court including a report, diagnosis and recommendation concerning the person's future care, supervision or treatment.

If the opinion of the superintendent and director is that the person has recovered or will not benefit by further treatment and is not a menace to the health and safety of others, the person must be returned to the court for further proceedings under the criminal charge. After considering all the evidence, the court may place the person on probation for a period of not less than five years if the criminal charge permits probation and the person is otherwise eligible. But if the opinion of the superintendent and the director is that the person is not recovered and is a menace, the person must be returned to court and if the court is satisfied that the person has not recovered and is still a menace, the court must order the recommitting of the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution for the care and treatment of such sexual psychopath. At this hearing the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine witnesses against him.

Hearing on alleged sexual psychopathy, i.e., the original hearing, is upon notice given to the relatives of the apprehended person and the judge appoints not less than two nor more than three psychiatrists with

must file with the court a written report of the results of that examination, together with their conclusions and recommendations. They must also testify at the hearing. The alleged sexual psychopath is entitled to a jury trial and to representation by an attorney.

By a 1949 amendment (Welfare and Institutions Code, Section 5518) an institutional unit may now be set up on the grounds of state institutions to be used for the custody and treatment of sexual psychopaths. Persons who have been recommitted shall be delivered to such institutional units or institutions and shall remain there until they are no longer a menace to the health and safety of others whereupon they may be released as set forth above.

#### Mentally Abnormal Sex Offenders

Another 1949 amendment to the Welfare and Institutions Code adds Sections 5600-5607 dealing with mentally abnormal sex offenders. A mentally abnormal sex offender is defined as any person who is not mentally ill or mentally defective, and who, by an habitual course of misconduct in sexual matters, has evidenced an utter lack of power to control his sexual impulses and who, as a result, is likely to attack or otherwise inflict injury, loss, pain or other evil upon the objects of his uncontrolled and uncontrollable desires.

Proceedings under these provisions are instituted by a petition made only by the parent, spouse or child of the person affected or the person himself. The petition must allege that the person named therein is a mentally abnormal sex offender in need of care and treatment, must ask that provisions be made for the welfare of such person, and must state the reasons for believing the person is a mentally abnormal sex offender and in need of care; it must be accompanied by the written consent of the person himself voluntarily requesting an examination and a hearing by the court, and must also be accompanied by a written statement of at least one medical examiner stating that in his opinion the person is a mentally abnormal sex offender and recommending the examination of such person.

Hearing is then had after notice to the person under the same rules which govern the hearing for sexual psychopaths. After examination and hearing, the judge may either order that the person be committed to the Department of Mental Hygiene for placement in a hospital designated by the court for a period not to exceed two years or he may dismiss the petition. The superintendent of the state hospital may at any time after admission discharge such person or grant him a leave of absence upon such terms and conditions as he deems proper. Proceedings under this chapter may not be filed by or in behalf of any person against whom a criminal charge has been made unless the charge has been prosecuted to final judgment.

#### STATEMENT OF A. ALAN POST Legislative Auditor

LEGISLATIVE BUDGET COMMITTEE, CALIFORNIA LEGISLATURE  
STATE CAPITOL, SACRAMENTO, CALIFORNIA  
January 13, 1950

*Honorable Ralph M. Brown  
Assemblyman, Thirtieth District  
Modesto, California*

DEAR ASSEMBLYMAN BROWN: In accordance with your request, there are attached seven copies of a report on the Medical Facility at Vacaville, the proposed Medical Facility at Terminal Island, the proposed Atascadero State Hospital and existing mental hygiene facilities for insane persons with criminal tendencies.

This report outlines legislative authorization of the various facilities, background data relating to the purposes and history of the facilities, a statement of general program and physical properties, appropriations and expenditures to date and a classification of certain psychiatric patients. In the statement relating to the Medical Facility at Vacaville, there is a statement of the total cases in the correctional institutions who are classified as psychotic. There is also included in the report on the Medical Facility at Vacaville a table of the adult male prisoners resident in California State Prisons as of June 30, 1949, who were committed as sex offenders.

Sincerely yours,

A. ALAN POST  
Legislative Auditor

#### Medical Facility at Vacaville

##### *Legislative Authorization and Background Data*

The establishment of a specialized institution for prisoners who are psychiatric cases has been provided for by the passage of Sections 2680, 2681, 2682, and 2683 of the California Penal Code which authorized the former Board of Prison Directors to establish a psychopathic hospital in a suitable building within the walls of one or more of the state prisons and to equip and staff such hospital.

No specialized institution has ever been constructed pursuant to these statutes, although a psychiatrist was employed at San Quentin. At the Special Session of the Legislature in January, 1944, Section 6028 of the Penal Code was passed directing the Board of Corrections to study and make recommendations to the Legislature and the Governor concerning the establishment by or the transfer to the Department of Corrections of a state hospital for the custody, care and treatment of the criminal insane and narcotic addicts.

In June, 1944, the Governor requested the Surgeon General of the United States Public Health Service to make such a study. This study was made by Dr. Lawrence Kolb, then Chief of the Mental Hygiene Division of the United States Public Health Service, and now Medical Deputy Director, California State Department of Mental Hygiene. A report with recommendations was made by Doctor Kolb and is contained in a published report of the United States Public Health Service entitled, "Report on the Needs of California for a Psychopathic Hospital in the Department of Corrections." Included in the recommendations of Doctor Kolb is one which states that there is no need in California for a number of separate special institutions for the care of mentally abnormal adult male prisoners due to the insufficient size of the prison population and because prisoners can be better and more economically treated in a properly organized single institution. Accordingly, it was recommended that such an institution be built for males and that it should be operated by the Department of Corrections and named the Department of Corrections' Medical Center. It was further recommended that this institution

should be designed to take care of the insane, mentally deficient, epileptics, drug addicts, and a certain portion of other types of abnormal prisoners including psychopaths and sex offenders. It should also have provision for the care and treatment of prisoners with chronic physical illnesses, including tubercular prisoners. The report recommended, however, that in actual practice it would be found desirable to leave some of the insane and many other types of abnormal prisoners at the main state prisons.

The report recommended that this separate institution should provide for the care and treatment of 1,200 to 1,800 adult male prisoners who require psychiatric treatment or long-term medical care.

Since the writing of this report in 1944, there has been a rapid increase in the population of the state prisons and the Legislature has authorized the establishment of four penal and correctional institutions for adult males, in addition to the existing maximum security institution at Folsom, the close custody institution at San Quentin and the minimum custody institution at Chino. Besides the medical facility at Vacaville, the Legislature has authorized the establishment of a medium security institution at Soledad, a vocational institution for youthful offenders at Tracy and an additional medium security prison in Southern California. These institutions are planned to provide for additional capacities as indicated in Exhibit A. The Medical Facility at Vacaville is scheduled to have a capacity of 1,200 available in 1953.

All of the above cited sections of the Penal Code have since been repealed. Subsequently, the 1945 Session of the Legislature passed S. B. 198, now incorporated in Sections 5003, 6100, 6101, 6102, 6103, 6104, 6105, 6106, and 6107 of the Penal Code providing basic enabling legislation for establishing the Medical Facility in the Department of Corrections.

Section 1755.5 of the Welfare and Institutions Code permits the Youth Authority to transfer superior court cases who are wards of the Youth Authority to the Medical Facility or to the reception center at Chino without having the effect of changing the youths' status with respect to their criminal record.

Section 6101 of the Penal Code provided that the Medical Facility should be located in the northern part of the State, and accordingly, a site for the Medical Facility was purchased near Vacaville.

Two matters of consideration which were put forth at the time it was determined the Medical Facility should be located in Northern California were: (1) That a Northern California reception center should be provided to balance the Southern California reception center to be established at Chino, and (2) that the institution would be advantageously located near the medical school of the University of California.

#### *Appropriations and Expenditures*

The Budget Act of 1945 appropriated \$300,000 for the purchase of a site and in 1947, the State acquired the main portion of the land near Vacaville, one and one-half miles south of U. S. Highway 40. Additional smaller adjoining parcels were acquired in the spring of 1948 bringing the total acquired to 910 acres. Of the \$300,000 appropriated, \$264,217.91 has been expended for acquisition of a site.

The 1950-51 Budget is requesting \$10,395,702 for construction of the major portion of the Medical Facility.

The 1949-50 Budget provided \$14,040 for the initial support including the employment of a superintendent to assist with the planning of the new facility and to deal with certain phases of the existing problem at Folsom and San Quentin.

#### *Proposed General Program and Physical Facilities*

The proposed Medical Facility at Vacaville is designed to: (1) Relieve overcrowding in the prisons, (2) relieve the problem of an excessive number of medical cases in the existing prisons, and (3) provide an improved treatment program for those segregated in the new institution.

The Medical Facility is planned to provide for care and treatment of all chronic medical cases and mentally deranged, defective and psychopathic individuals under the jurisdiction of the Department of Corrections. Segregation of inmates is planned as follows:

(1) Psychotics	600
(2) Epileptics	75
(3) Sexual psychopaths	150
(4) Drug addicts	75
(5) Tuberculars	75
(6) Acute medical and surgical	100
(7) Chronic alcoholics and psychoneurotic	125
(8) Workers	100
Total	1,300

The buildings are planned to have maximum security fences and guard towers enclosing the building group. There will be included a reception center identical to that to be established in Southern California except that the capacity shall be increased to 450 in two outside and three inside cell blocks. The reception center shall receive all newly convicted felons committed to the Adult Authority in Northern California, including youths over 18 who are not juvenile court cases. All parole violators will be returned to the reception center. The main function of the reception center will be reception, diagnosis and classification and the average stay will be 60 days. The construction will be permanent in nature, to be of reinforced concrete.

The present schedule for planning and construction calls for two and one-half to three years after appropriation of capital funds.

#### *Ratio of Mental Cases in Prison Population*

The percentage of total penal cases who can be classified as psychotic is subject to psychiatric definition. It is the estimate of the Department of Corrections that an analysis of the present prison population as it passes through the guidance center indicates that approximately 15 percent of the total group have a mental or physical condition which would warrant their being segregated and treated in a special medical institution. The Department of Corrections, however, states that if all chronic alcoholics, drug addicts, psycho-neurotics and aggressive criminal psychopaths are included in the classification of mental cases, the proportion would be closer to 35 percent. The department, however, does not propose that it is either necessary or desirable to segregate all of the latter classes in a medical type institution such as Vacaville.

[Mar. 8, 1950]

The Department of Corrections has established a classification system which is comprised of several procedures. First, there is a classification committee established in each institution which operates under the provisions of the Department of Corrections' Classification Manual. Secondly, there is a guidance center or diagnostic and psychiatric clinic located at San Quentin as provided for in Section 5079 of the Penal Code. Upon admittance, prisoners are retained under the jurisdiction of the guidance center for 60-80 days.

Adult Male Prisoners Resident in California State Prisons as of June 30, 1949  
Who Were Committed as Sex Offenders

	Total	Rape	L & L conduct	All other
Total .....	907	302	427	178
San Quentin .....	537	197	248	92
Chino .....	92	24	51	17
Folsom .....	198	60	93	45
Soledad .....	30	11	12	7
Lancaster .....	2	1	1	0
Guidance Center .....	48	9	22	17

Mar. 8, 1950]

Planned Capacities of Institutions and Camps Showing Emergency (Temporary) Capacities  
as of June 30, 1950 to 1956 (Also October 31, 1949)  
(Revised December 20, 1949)

		1949 (10-31-49)	1950	1951	1952	1953	1954	1955	1956
California Institution for Men	Permanent Emergency	Chino..... Chino.....	668 632	1,008 332	1,008 332	1,008 332	1,008 332	1,008 332	1,008 332
California State Prison	Permanent Emergency	Folsom..... Folsom.....	1,750 997	1,750 1,050	1,750 1,050	1,750 1,050	1,750 1,050	1,750 1,050	1,750 1,050
California State Prison	Permanent Emergency	San Quentin..... San Quentin.....	2,750 1,816	2,750 1,816	2,750 1,816	2,750 1,816	2,750 1,816	2,750 1,816	2,750 1,816
California State Prison	Permanent Emergency	Soledad..... Soledad.....	701 701	700 700	1,500 100	1,500 100	1,500 100	1,500 100	1,500 100
California Vocational Institution	Permanent Emergency	Tracy..... Lancaster.....	518 518	555 555	340 340	350 350	360 360	370 370	375 375
California Institution for Women	Permanent Emergency	Corona..... Tehachapi..... Tehachapi.....	170 146	170 150	170 150	170 150	170 150	170 150	170 150
Medical Facility	Permanent Emergency	Yacville..... Terminal Island.....	700 700	700 700	700 700	700 700	700 700	700 700	700 700
Southern California Prison	Permanent								
Total Institutions	Permanent Emergency		5,338 4,870	5,338 4,870	8,608 2,177	8,608 2,177	8,608 2,177	11,038 407	11,038 407
Camps 12 months	Permanent		490	850	850	850	850	850	850
5 months	Emergency		53	115	115	115	115	115	115
(Monthly average for 12 months)									
Totals, Permanent facilities			5,828	6,188	9,458	10,008	10,078	11,888	11,888
Totals, Temporary facilities			4,923	5,012	2,202	1,332	1,572	612	707
Estimated population			10,751	11,200	11,750	12,000	12,250	12,500	12,000

Camps	Permanent	Emergency
Road—Burnt Ranch.....	04	San Quentin.....
Modoc.....	50	San Quentin.....
Angelus Crest.....	125	Chino.....
San Diego.....	125	Chino.....
Forestry—Rainbow.....	60	Chino.....
Minecawa.....	60	Chino.....
6 Camps @ 60.....	360	San Quentin.....
Total.....	850	275 (5 months)
5 Forestry—Federal @ 55.....		

#### Medical Facility—Terminal Island

##### *Legislative Authorization and Appropriation*

The Department of Corrections is proposing, as of July 1, 1950, the establishment of a temporary Medical Facility at Terminal Island with a capacity of 750. Included in the budget of the Medical Facility at Vacaville is \$57,406 to be made available during the period from May 1 to June 30, 1950, in order to set up a small unit at Terminal Island as soon as the Navy vacates the existing facility on April 30, 1950. This appropriation is proposed for the purpose of maintaining the plant in operating condition and preparing for transfer of the total population of 750 during July to October, 1950.

Included in the proposed budget for the Fiscal Year 1950-51 will be an estimated \$832,367 for support. Final adjustments to be made by the Department of Finance are not yet available. There will be offsetting savings against this appropriation in the budgets of Folsom and San Quentin Prisons amounting to approximately \$270,508 making a net increase in cost of \$551,759 for 1950-51.

##### *General Program and Physical Facilities*

The Medical Facility at Terminal Island will house mentally or physically ill prisoners. Only a comparatively few of the inmates will be classified as insane. A large percentage of the population of the Medical Facility will be ill with tuberculosis. It is estimated that approximately 130 beds out of a total of 750 will be allocated for this category. The majority of the population will be mentally ill in terms of the definition given by the medical consultant to the Department of Corrections as follows: "Only a comparatively few of its inmates are frankly psychotic (insane) which, of course, is a marked point of difference from a mental hospital. And only a comparatively negligible portion of these comparatively few insane patients are of the deteriorated, quiet, harmless, tractable, 'backward' type, who need little or no custodial supervision. To the contrary, it is typical of insanity among prisoners, that their delusions and hallucinations are colored by their past and present environment and associations and, therefore, are in much larger part persecutory and apprehensive than is the case in mental hospitals. This, of course, makes them much more dangerous and difficult to manage."

The Department of Corrections proposes that there shall be a program of occupational therapy provided for at this facility with occupational therapy technicians. Custodial personnel are to be provided with a classification of medical technical assistants which is a combination of a prison guard and hospital attendant classification.

The Medical Facility at Terminal Island, although permanent in construction, will serve as a temporary state institution which will be returned to the United States Navy. This facility was built by the United States Bureau of Prisons in 1938 as a federal correctional institution for short-term prisoners. It was transferred to the Navy in 1942 to accommodate the wartime increase in military prison populations. The United States Department of Defense plans to place all military prisoners in

the custody of the Army or in the custody of the United States Bureau of Prisons, and the Navy does not propose to operate national disciplinary barracks during peacetime. The Navy, however, will desire the return of this facility on short notice in the event of military mobilization. If the Navy does in time relinquish title to this property, the United States Bureau of Prisons is desirous of securing it and the Director of the United States Bureau of Prisons has advised the State Department of Corrections that he believes the institution will be needed as a federal prison in three years. It is the plan of the Department of Corrections that the population at Terminal Island will be moved to the permanent facility at Vacaville before the Terminal Island property is returned to the Federal Government.

#### *Character and Type of Inmates*

It is the tentative plan of the Department of Corrections to provide for the following disposition of the prison population:

(1) Tubercular cases	130
(2) Effeminate homosexuals	72
(3) Acute hospital cases	56
(4) Insane and acutely disturbed (special isolation and segregation)	42
(5) Acute mentally disturbed (temporary detention)	5
(6) Frankly psychotic	150
(7) Sex offenders and other miscellaneous classifications, including epileptics and acute psycho-neurotics	265
(8) Federal prisoners on contract	30

#### *Atascadero State Hospital*

#### *Appropriation and Background Data*

Chapter 145 of the Statutes of 1946 established the original \$154,000,000 Unified Construction Program. Included in this original program as part of the appropriation made to the Department of Mental Hygiene was \$6,133,200 for an institution for the criminally insane to be located at Atascadero. Later, the 1947 Session of the Legislature increased the amounts for projects set up in the \$154,000,000 Unified Construction Program by 50 percent for increased costs. This increased the amount programmed for the hospital at Atascadero to the present figure of \$9,199,800.

On October 17, 1946, a 1,191 acre site was purchased at Atascadero for \$160,000. This acreage includes 200 acres of grain under irrigation, 141 acres suitable for grain and pasture, 750 acres of range land, and 100 acres of wasteland. The latter 100 acres of wasteland is largely the river bed which runs through the property.

There is also a main-line railroad that runs midway through the property parallel to its long axis, approximately 2,000 feet from the proposed site of the main buildings. A hill will conceal the railroad from view of the hospital.

#### *General Program and Physical Facilities*

The Assistant Superintendent at Napa State Hospital, Dr. Rood, was appointed Superintendent at Atascadero with the Department of Mental Hygiene's understanding that he would study the latest thinking

as to the needs of a maximum security mental hospital and incorporate those needs into the buildings as the plans progressed. Dr. Rood visited various institutions in the southwest and in the east to secure additional information as to basic features of maximum security hospitals and subsequently wrote a report which has guided the over-all design of the institution. The existing plan for the hospital has been prepared by a private designer and incorporates the various operations of the institution as visualized by Dr. Rood and the Department of Mental Hygiene.

The job of converting the design to blueprint drawings for construction is a function of the Division of Architecture. On December 16, 1949, the Director of Public Works approved the request from the Division of Architecture to proceed with the plans. It is anticipated that the Division of Architecture will complete the first section of the plans by May or June, and that construction will start by August. Because of the location of the hospital, the work cannot be done as a single job but must be constructed by sections. The latest estimate by the Department of Mental Hygiene is that this hospital will open two years from now, or in December, 1951.

Originally, the plans as visualized by the Department of Mental Hygiene called for a 1,300-bed institution. The present plans are for a 1,140-bed institution with services for 1,500 patients. There will be approximately 300 employees according to present plans, plus 100 for expansion.

From the architectural standpoint, the following units will be incorporated in the over-all plan:

- (1) Administration Unit;
- (2) Entrance Unit;
- (3) Hospital Unit;
- (4) Clinic Unit;
- (5) Dining Unit;
- (6) School and Recreation Unit;
- (7) Gymnasium;
- (8) Occupational Therapy Unit;
- (9) Industrial Unit;
- (10) Mental Case Unit;
- (11) Psychopathic Unit;
- (12) Locked Dormitory;
- (13) Open Dormitory;
- (14) Traffic Corridor;
- (15) Laundry and Linen Supply Unit;
- (16) Maintenance Shops, Shed and Yard;
- (17) Warehouse and Service Yard;
- (18) Residences;
- (19) Power House;
- (20) Garages.

The project shall also include a firehouse, sewage disposal unit, water softener and farm buildings. If there are funds available, a fire reservoir will be added.

*Character and Type of Inmates*

The patients will be ambulatory males over 16 years of age, except for a few psychopaths, with the patient population divided as follows:

Unit	Patients
1. Hospital and admission unit.....	120
2. Three mental case units at 160 each.....	480
3. Psychopathic unit.....	240
4. Locked dormitory unit.....	200
5. Open dormitory unit.....	100
Total number of patients.....	1,140

The staffing of this institution will be similar in most respects to the other mental hospitals. An exception which is being requested is in the attendant class. The Department of Mental Hygiene hopes to establish a new classification of personnel with specifications that will be somewhere between those of an attendant in a mental hospital and a prison guard in the Department of Corrections.

Existing Mental Hygiene Facilities for Insane Persons With Criminal Tendencies

*Mental Hygiene Institutions*

There are nine mental hospitals and two homes for the mentally defective under the jurisdiction of the State Department of Mental Hygiene. All of these institutions contain insane persons who could be classified as criminally inclined. The several classifications of such insane persons, with the total persons in each classification and date of tabulation, are shown as follows. The number of patients on record for all in-patient institutions is shown in the first column and the actual resident population, which excludes escapes and patients on leave, is shown in column two.

	On record	Resident
Sexual psychopaths (Oct. 31, 1949).....	324	161
Psychopathic delinquents (June 30, 1949).....	162	93
Criminally insane* (June 30, 1949) (Committed in accordance with Penal Code Secs. 1026, 1201, 1370).....	370	338
Insane criminals† (Est.) (Penal Code 2684, 3701)---	6	6
Youth Authority observation cases (Oct. 31, 1949)----	18	14

\* Found insane at time crime committed or during trial.

† Found insane in prison.

Sexual psychopaths are included in the population of all of the mental hospitals and homes for the defective. The total of such patients is 328 on record and 166 residents as of November 30, 1949. The disposition of these patients by institution is shown as follows:

	On record	Resident
Agnews.....	26	13
Camarillo.....	34	3
DeWitt.....	2	1
Mendocino.....	147	75
Modesto.....	2	2
Napa.....	30	17
Norwalk.....	17	15
Patton.....	29	18
Stockton.....	41	22
Total.....	328	166

The total population in the nine mental hospitals as of November 30, 1949, was 30,727, and in the two homes for the mental defectives 6,463. There were also 71 patients in the Langley Porter Clinic. This makes a total resident population in all institutions under the jurisdiction of the Department of Mental Hygiene as of November 30, 1949, amounting to 37,261. Of this resident population, 166 patients, or less than one-half of 1 percent, were sexual psychopaths.

The commitment of a sexual psychopath to a state mental hygiene institution is determined by the court in accordance with the provisions of Sections 5500-5516 of the Welfare and Institutions Code.

*Maximum Security Facilities*

The Department of Mental Hygiene has facilities in three state institutions which may be classified as maximum security. These maximum security wards are used to incarcerate various types of insane persons including sexual psychopaths. Not all sexual psychopaths, however, are in maximum security wards.

At Mendocino State Hospital, there is one ward which provides maximum security. This is Ward No. 12 which consists of 299 single rooms arranged in the form of a cell block surrounding an interior court. This ward is enclosed by a security fence. It has a maximum capacity of 299 inmates.

Sonoma State Home for mental defectives has three cottages or wards which are classified as maximum security. The first of these, Goddard Cottage, is for younger boys and consists of 20 single rooms and a dormitory housing 53 boys, or a total capacity of 73 inmates. Paxton Cottage is for older boys of 16 years or over and consists of 20 single rooms and two dormitories housing 12 boys and 52 boys, respectively, comprising a total capacity of 84 inmates. McDougall Cottage is for girls and consists of 10 single rooms with two dormitories housing 39 girls each for a total capacity of 88 girls.

Pacific Colony has two cottages which provide what may be classified as maximum security although not to the same extent as the cottages at Sonoma. Cottage 15 at Pacific Colony is for boys and has a capacity of 120 consisting of 39 single rooms and dormitory housing 31. Cottage 16, for girls, provides a capacity of 56 and consists of 16 single rooms and a dormitory housing 40 girls.

**STATEMENT ON KERN COUNTY BY H. V. GRAYSON,  
CHIEF OF POLICE, BAKERSFIELD**  
(From Kern County Bureau of Identification, Sheriff's Office)

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*Changed  
to  
another  
crime*

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	<i>Total arrests</i>	<i>Pending</i>	<i>State insti- tution</i>	<i>Jail</i>	<i>Jail and pro- bation</i>	<i>Pro- bation</i>	<i>Fine</i>	<i>Released on bail</i>	<i>Dis- missed</i>	
1946--9,716 total bookings										
261 Rape	34	---	3	1	1	10	---	5	9	5
285 Incest	3	---	2	---	---	---	---	1	---	1
286 Crime against nature	1	---	---	---	---	---	---	---	---	8
288 Crimes against children	17	---	4	1	---	---	---	3	1	4
288a Sex perversion	6	---	1	---	---	1	---	---	---	---
311 Lewd conduct	21	---	---	7	---	1	5	8	---	---
647a Molesting children	4	---	---	2	---	---	---	---	2	1
CDM Contributing delinquency minor	36	---	---	---	4	4	1	19	7	---
1947--10,017 total bookings										
261 Rape	34	---	4	2	---	6	---	6	11	5
285 Incest	1	---	1	---	---	---	---	---	---	---
286 Crime against nature	---	---	---	---	---	---	---	---	---	5
288 Crimes against children	18	---	2	2	---	1	---	5	3	2
288a Sex perversion	7	---	---	2	---	---	---	---	---	---
311 Lewd conduct	42	---	---	19	1	2	3	16	1	---
647a Molesting children	1	---	---	1	---	---	---	---	---	4
CDM Contributing delinquency minor	63	---	---	6	1	5	1	17	29	---
1948--10,378 total bookings										
261 Rape	32	---	2	6	3	---	---	7	10	4
285 Incest	1	---	---	---	---	---	---	---	1	---
286 Crime against nature	---	---	---	---	2	1	---	3	2	2
288 Crimes against children	15	---	3	2	---	---	---	---	---	4
288a Sex perversion	6	---	1	---	---	---	---	6	1	---
311 Lewd conduct	20	---	---	11	---	1	1	6	1	---
647a Molesting children	1	---	---	1	---	---	---	---	15	6
CDM Contributing delinquency minor	61	---	---	10	3	8	2	17	15	---
1949--9,708 total bookings to 12-4-49										
261 Rape	37	4	2	6	3	3	---	4	10	5
285 Incest	2	---	1	1	---	---	---	---	---	2
286 Crime against nature	---	---	---	---	---	---	---	---	---	3
288 Crimes against children	18	2	3	1	1	---	---	6	2	---
288a Sex perversion	6	---	2	---	---	---	---	---	4	---
311 Lewd conduct	34	---	---	16	1	2	3	10	2	---
647a Molesting children	6	---	---	4	---	---	---	1	1	3
CDM Contributing delinquency minor	62	2	---	7	3	13	1	12	21	---

**STATEMENT ON ALAMEDA COUNTY ON SEX OFFENSES**

Offenses	Complaint or indictment filed	Guilty			Sentences					
		Plea	Court	Jury	Acq.	S. Q.	Co. J.	Prob.	Y. A.	St. Hos.
1946										
702 W. and I.-----	10	7	--	*1	2	--	3	4	--	--
288 P. C.-----	14	8	1	4	1	5	6	7	--	1
288a P. C.-----	6	4	--	1	1	2	--	2	--	1
Att. rape-----	8	3	--	1	4	--	--	--	1	3
Rape-----	28	19	3	3	3	5	10	15	1	2
* One fine of \$500.										
1947										
702 W. and I.-----	11	5	2	3	1	--	6	6	--	--
288 P. C.-----	21	10	2	7	2	3	6	11	--	5
288a P. C.-----	6	4	--	1	1	1	--	3	--	1
Att. rape-----	3	2	--	--	1	--	--	2	--	--
Rape-----	27	19	4	2	2	3	10	23	--	--
286 P. C.-----	5	2	3	--	--	1	3	3	1	--
1948										
702 W. & I.-----	36	19	5	2	10	--	6	20	--	--
288 P. C.-----	30	21	3	5	1	3	12	13	1	--
288a P. C.-----	4	2	1	1	--	--	1	3	--	--
Att. rape-----	7	6	--	--	1	--	1	6	--	--
Rape-----	18	10	4	2	2	3	6	6	1	--
1949										
702 W. and I.-----	11	7	1	1	--	--	3	5	--	--
288 P. C.-----	31	14	4	4	1	6	5	6	2	1
288a P. C.-----	9	3	--	3	--	1	--	1	3	--
Att. rape-----	6	3	1	1	--	1	1	2	--	--
Rape-----	21	15	1	2	--	3	8	5	1	--
Incest-----	1	1	--	--	--	--	1	--	--	--

NOTE: In the 1949 figures there 21 cases either awaiting trial or sentence.

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# LAWS ON THE HABITUAL SEX OFFENDER

NEW HAMPSHIRE Chap.—Laws of 1949	WASHINGTON, D. C. Sec. 201-209, Public Law 615, 1949	STATE OF WASHINGTON Chap. 273, Laws of 1947	CALIFORNIA Chap. 447, 1939, as amended by Chap. 1325, 1949	INDIANA Laws of 1949, Chapter I	NEW JERSEY Supplement to Title 5 Chap. 19, Laws of 199	VERMONT Sec. 6699-6709, Chap. 281, Laws of 1943 and 1946
Criminal psychopath.	Sexual psychopath.	Criminal sexual psychopathic person.	Sexual psychopath.	Criminal sexual psychopathic person.	Abnormal mental illness.	Mentally defective delinquent.
Irresponsible with respect to sexual matters and thereby dangerous to himself or other persons because of: Emotional instability; or Impulsiveness of behavior; or Lack of customary standards of good judgment; or Failure to appreciate consequences of acts; or Combination of above.	1. Not insane. 2. Repeated misconduct in sexual matters, evidencing lack of power to control sexual impulses. 3. Likely to attack or otherwise inflict injury, loss, pain or other evil on objects of desire. (Both elements necessary.)	1. Mental disorder. 2. Not insane or feeble-minded. 3. Existing for period of one year. 4. Conviction at least once as sex offender. (All four elements required.)	Affected with: 1. Mental disease or disorder; or 2. Psychopathic personality; or 3. Marked departures from normal mentality—in a form predisposing to commission of sexual offenses and in a degree constituting a menace to the health of others.	1. Mental disorder. 2. Not insane or feeble-minded. 3. Criminal propensities to the commission of sex offenses. (All three elements required.)	Abnormal mental illness resulting in commission of enumerated sex offenses.	1. Mental deficiency or psychopathic personality. 2. Violate criminal laws or guilty of gross immoral conduct. (Both required.)
Mandatory where certain sex crimes are charged. Discretionary where facts less than a crime are presented.	No crime or charge thereof is necessary	Charge of sexual offense.	Criminal charge.	1. Charge of criminal offense other than homicide or rape of a female under 12. 2. Conviction of such offense where person has been placed on probation or not yet sentenced.	Conviction of rape, sodomy, incest, lewdness, indecent exposure, obscene literature or pictures, indecent communications to females, sexual abuse or attempt to commit such offenses.	1. Conviction of a felony. 2. Conviction of a misdemeanor for the third time.
County Solicitor (mandatory for crime, discretionary upon petition by a person having knowledge of the facts).	1. U. S. Attorney (discretionary).	Prosecuting Attorney (discretionary).	On affidavit of any person.	1. Prosecuting Attorney. 2. Someone on behalf of the person charged. (Both discretionary.)	Judge before imposing sentence shall order mental examination.	Prosecuting Officer. Commissioner of Institutions or judge of convicting court (discretionary).
Superior Court of the county. No jury. Private hearing (discretion of court). Hearing within 30 days after report. Juvenile jurisdiction.	1. District Court of the U. S. for the District Municipal Court. 2. Jury on demand. 3. No provision for private hearing. 4. No provision as to time of hearing. 5. No juvenile jurisdiction.	1. Justice Court or Superior Court on original charge; Superior Court for sex psychopath hearing. 2. Jury by petition in writing. 3. No provision for private hearing. 4. Hearing subsequent to conviction for the sex offense (not less than 20 days). 5. No juvenile jurisdiction.	1. Court of record. 2. Persons found to be sexual psychopaths may demand jury trial. Commitment only on finding by three-fourths of jury. 3. No provision for private hearing. 4. Trial in not less than five days or more than ten days from jury demand. 5. No juvenile jurisdiction.	1. All courts having general jurisdiction of criminal cases. 2. No jury. 3. No provision for private hearing. 4. Hearing not less than 10 days after service of copy of petition. 5. No juvenile jurisdiction.	1. Any court with jurisdiction over offenses enumerated. 2. No special hearing on issue of mental illness; commitment is based in report of psychiatrists. 5. No juvenile jurisdiction.	1. Criminal court. 2. No jury. 3. No provision for private hearing. 5. No juvenile jurisdiction.
Two psychiatrists, one from medical staff of a state mental hospital. Decision is by court on basis of the hearing. Mental hospital.	1. Two qualified psychiatrists (court determines whether patient is a psychopath if there is a hearing, but patient discharged if both psychiatrists have found that he is not a psychopath). 2. Mental hospital.	1. One or more psychiatrists (physician or surgeon licensed to practice who for not less than three years has practiced exclusively in the diagnosis and treatment of mental and nervous disorders). Decision is by court. 2. Correctional institution.	1. Two or three psychiatrists, one from state or county hospital (holder of physician and surgeon certificate whose practice has been directed primarily to diagnosis and treatment of mental and nervous disorders not less than 5 yrs.). By decision, court not bound by psychiatrist's findings. 2. Mental hospital.	1. Two qualified physicians (respondent must answer questions under penalty of contempt of court). Concurrence necessary to hold a hearing. Determination is by court. 2. Commitment is to Indiana Council for Mental Health (psychiatric facility).	1. Two or more competent physicians (recognized as experts in psychiatry), one attached to Dept. of Inst. & Agencies. Judge may commit person to Diagnostic Center for examination. Decision is based on findings of examination. 2. Judge commits person to inst. designated by Dept. of Inst. & Agencies (psychiatric facility).	1. Commitment for diagnosis to state institution designate commissioner for that purpose. 2. Upon due hearing if court finds person a defective delinquent or psychopathic personality, dangerous to public welfare, person committed to penal or mental institution designated by commissioner.
Defense to crime of which accused at time of filing petition.	Proceeding suspended until person is determined not to be sexual psychopath or until discharge from hospital. No defense.	Finding of sexual psychopathy is subsequent to criminal conviction; person is sentenced to ordinary correctional institution but certified for treatment by a psychiatrist there.	Proceedings suspended.	Defense to crime of which accused at time of filing petition.	Law applies only after conviction of a crime caused by mental illness.	No defense.
Release by Commission of Mental Health recommended to the committing court when director of institution believes he will not be benefited by further treatment and is no longer dangerous.	Superintendent of hospital may release on a finding that patient has sufficiently recovered so as not to be dangerous.	Release after expiration of sentence upon a hearing by the committing court and a finding that he is cured.	Superintendent of hospital certifies to committing court person is no longer a menace to health and safety of others.	1. Release on parole under such conditions as his condition, in judgment of Indiana Council for Mental Health, merits. 2. Discharge only after "fully recovered" any time on petition in writing showing recovery filed with court by which he was committed. 3. Psychopath to be examined at least once each year by two physicians, who report findings to court and council.	Term indefinite, maximum not to exceed that provided for crime of which convicted. Release when Commissioner of Department certifies to paroling authority that person has recovered sufficiently to make it reasonably certain that repetition of offenses unlikely.	Discharge upon order of court where commitment made.
Complete discharge by court.	To court on original criminal charge, if any. Otherwise complete release.	After expiration of sentence or parole, if person is found still to be sexual psychopath he may be committed to state or county hospital with facilities for criminal sexual psychopathic persons.	If within 30 days of certification the court does not order return for criminal proceedings, superintendent of hospital may parole, as in case of insane, for not less than five years.	Parole or complete discharge.	Release by paroling authority after certification upon such terms as appear necessary for safety.	Returned for sentence to committing court after discharge from treatment.
No commitments under recent statute.	22 cases in year.	Law inoperative.	485 cases in ten years. As of October 31, 1949, 161 sexual psychopaths in state hospitals.	One case.	35 cases in six months.	Law virtually inoperative.

## CALIFORNIA SEX OFFENSES, 1947-49

Reported to the Bureau of Identification and Investigation  
January 1, 1947—June 30, 1949

*Prepared by*

BUREAU OF STATISTICS, DEPARTMENT OF JUSTICE

Ronald H. Beattie, Chief

Fred A. Knoles, Deputy Chief

December 6, 1949

Under a 20-year-old statute each sheriff and chief of police is required to furnish to the California Division of Criminal Identification and Investigation a report of each felony committed within his jurisdiction. Reports received under the statute are intended to serve a dual purpose; they are intended to aid in the apprehension and prosecution of offenders and to furnish knowledge of the volume, nature and distribution of felonious crimes within the State. The first purpose is served through the use made of these reports in the Identification and Investigation Division in the maintenance of a *modus operandi* file; the second purpose is served through the use of the same reports in the Bureau of Statistics of the Department of Justice. Here, the offenses are classified and the data are recorded on punch cards so that statistical summaries and analyses can be readily made of this information.

A large number of the law enforcement agencies in the State have reported felony crimes consistently and completely. However, the fact that other agencies have not furnished these reports with consistency and completeness makes the total information reported of limited use in the establishment of crime levels and trends within the State.

Commencing in 1946, a renewed effort was made to obtain more complete crime reports and develop the basis for better criminal statistics in the State. After one year of experimentation the revised system of classification was put into regular operation commencing with the year 1947. Fairly complete data have been reported by a large number of agencies and have been compiled for the years 1947, 1948, and the first half of the year 1949.

Under the California law there are a number of felonious offenses which arise out of undesirable sexual behavior. Of these, rape and lewd and lascivious conduct with a child under 14 years of age are most likely to be reported through the police to the Division of Criminal Identification and Investigation as soon as known. Some other offenses of the perversion type are not consistently reported particularly when arrests are made at the time of the discovery of the offenses. From compiled summary data covering felonies during the calendar years 1947, 1948, and the first six months of 1949, the following figures have been prepared. They represent all of the reports that have been made during this period of time. Although incomplete, it is hoped that they are representative of the situation during the period.

Table I summarizes the reports of rapes during the five half-year periods. It will be noted that the highest number reported was during the first half of 1949 although the increase is not great. However, the fact that at least two major reporting areas: namely, the sheriff's office in Los Angeles County and the Berkeley Police Department, did not

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Table I  
Rape Offenses Reported to the Division of Criminal Identification and  
Investigation by California Law Enforcement Agencies  
January 1, 1947, to June 30, 1949

Reporting agencies	1st half 1947	Last half 1947	1st half 1948	Last half 1948	1st half 1949
Total	645	733	721	722	789
Los Angeles County	402	491	453	486	552
Sheriff	1	14	47	35	110
Burbank	2	3	1	2	3
Glendale	-	-	-	-	1
Long Beach	25	25	31	27	22
Los Angeles	364	434	357	392	399
Santa Monica	-	9	5	6	7
Other cities	10	6	12	24	10
San Francisco	45	66	45	35	54
Alameda County	80	56	83	73	55
Sheriff	8	7	9	3	6
Alameda	-	-	1	-	1
Berkeley	-	-	-	11	7
Oakland	72	47	65	58	39
Other cities	-	2	8	1	2
Kern County	1	1	1	6	1
Orange County	14	4	4	1	4
Riverside County	7	7	16	8	8
San Bernardino County	-	-	2	1	9
San Diego County	32	37	25	15	26
Sheriff	3	12	2	1	12
San Diego	29	24	23	14	14
Other cities	-	1	-	-	-
Contra Costa County	2	4	1	4	14
Sheriff	2	3	-	1	2
Richmond	-	1	1	1	12
Other cities	-	-	-	2	-
Sacramento County	8	19	24	23	12
Sheriff	8	3	11	6	5
Sacramento	8	16	13	17	7
Other cities	-	-	-	-	-
Fresno County	14	5	10	11	13
Sheriff	5	4	3	10	8
Fresno	9	1	7	1	5
Other cities	-	-	-	-	-
San Joaquin County	10	12	13	26	19
Sheriff	9	11	11	12	14
Stockton	1	1	2	14	4
Other cities	-	-	-	-	1
All other counties	30	31	44	33	22

report consistently on this particular offense for the whole period has materially contributed to the larger number reported for the first half of 1949. If the reports from these two areas are omitted from the total reports, the state totals for rape are as follows:

First half of 1947	644
Second half of 1947	719
First half of 1948	674
Second half of 1948	676
First half of 1949	672

If the total rape offenses reported are indicative of the amount of crime of this type there is in the State, it would appear from the above figures that there has been no increase whatever in rape offenses in the last months. In fact, inasmuch as the state population has been steadily increasing, it would appear that there has been a very slight decrease in the total number of rape cases which might have been expected.

Table II presents summary information relating to the reports of lewd and lascivious conduct with a child that were received during the five half-year periods. From the totals shown in the table, it will be noted that there was a drop in the number reported during the first half of 1948 and a rather substantial increase in the number reported during the next two six-month periods. There were three major reporting agencies which obviously did not consistently report this offense during the two and one-half year period. These were the Sheriff's Office of Los Angeles County, the Berkeley Police Department and the San Francisco Police Department. If the reports from these three agencies are omitted from the totals, we have the following summary:

1st half of 1947	351
2d half of 1947	321
1st half of 1948	244
2d half of 1948	343
1st half of 1949	296

These figures, while demonstrating an unexplained drop in the number of this type of offense during the first half of 1948, do not show any increase during the last two six-month periods as compared with the earlier figures. In fact, during the first half of 1949 there was a decrease in the number of reports of this type of offense as compared with the last half of 1948.

It is recognized that many offenses against children are not reported because of the desire on the part of the parents to avoid unpleasant publicity. However, it can be assumed that although reporting of this type of crime will never be complete, an increase in actual occurrences would be reflected in an increased number which are reported to police agencies. A much better evaluation of the relative effectiveness and completeness of law enforcement could be made if the factual materials relating to crimes were available.

Table II

L and L Offenses Reported to the Division of Criminal Identification and Investigation by California Law Enforcement Agencies

January 1, 1947, to June 30, 1949

Reporting agencies	1st half 1947	Last half 1947	1st half 1948	Last half 1948	1st half 1949
Total	369	326	288	425	430
Los Angeles County	258	241	194	283	299
Sheriff	15	—	28	44	84
Burbank	1	1	1	1	5
Glendale	—	—	—	—	1
Long Beach	28	56	17	31	20
Los Angeles	201	175	133	182	166
Santa Monica	4	—	3	2	14
Other cities	9	9	12	23	9
San Francisco	3	5	16	29	43
Alameda County	18	21	21	31	25
Sheriff	4	4	4	14	10
Alameda	2	—	1	—	3
Berkeley	—	—	—	9	7
Oakland	12	17	14	2	5
Other cities	—	—	2	6	—
Kern County	1	1	—	1	—
Orange County	3	2	—	5	1
Riverside County	5	6	7	9	4
San Bernardino County	2	—	—	2	2
San Diego County	32	34	16	24	9
Sheriff	7	2	—	4	2
San Diego	25	32	16	19	7
Other cities	—	—	—	1	—
Contra Costa County	2	3	—	3	14
Sheriff	—	2	—	1	2
Richmond	2	—	—	1	11
Other cities	—	1	—	1	1
Sacramento County	9	—	10	8	8
Sheriff	5	—	3	2	3
Sacramento	4	—	3	6	5
Other cities	—	—	—	—	—
Fresno County	5	1	2	1	3
Sheriff	4	1	2	1	3
Fresno	1	—	—	—	—
Other cities	—	—	—	—	—
San Joaquin County	6	—	1	6	2
Sheriff	6	—	—	2	1
Stockton	—	—	1	4	1
Other cities	—	—	—	—	—
All others	25	12	21	23	20

## ACKNOWLEDGMENTS

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## MEMBERS EXCUSED

At 10.28 a.m., Mr. Collier asked for, and was granted, unanimous consent that Mr. Yorty be excused, for the balance of the legislative day, because of legislative duties elsewhere.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 7, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

J. A. BEEK, Secretary of the Senate  
By C. V. TAYLOR, Assistant Secretary

## FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and the Assembly.

Referred to Committee on Rules.

## INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

Assembly Bill No. 16: By Mr. Hawkins—An act to add Sections 2004.5 and 3009 to the Welfare and Institutions Code, providing for state administration of aid to the aged and aid to the needy blind, and making an appropriation.

Referred to Committee on Social Welfare.

Assembly Bill No. 17: By Messrs. Elliott, Anderson, Hawkins, Porter, George D. Collins, Condon, Fletcher, Lewis, and Thomas—An act to add Section 2004.5 to, to amend Sections 2011, 2160, 2163, and 2181 of, and to repeal Sections 2181.01 and 2224 of, the Welfare and Institutions Code, all relating to aid to the aged, and making an appropriation therefor.

Referred to Committee on Social Welfare.

## ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today, at 2 p.m.—

Tidelands, Reclamation, and Development in Northern California.

Tonight, at 8 p.m.—

Subcommittee No. 4 of Ways and Means.

## ADJOURNMENT

At 10.30 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 9.15 a.m., Thursday, March 9, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk



AL [Mar. 8, 1950

SES, 1947-49

on and Investigation  
Q, 1949

ENT OF JUSTICE

Chief

Chief

December 6, 1949

Chief and chief of police is  
n of Criminal Identification  
committed within his juris-  
are intended to serve a dual  
prehension and prosecution  
volume, nature and distri-  
The first purpose is served  
Identification and Investi-  
is operandi file; the second  
e reports in the Bureau of  
the offenses are classified  
that statistical summaries  
ormation.

agencies in the State have  
pletely. However, the fact  
reports with consistency  
reported of limited use in  
within the State.

was made to obtain more  
better criminal statistics  
on the revised system of  
ommencing with the year  
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1947, 1948, and the first

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Of these, rape and lewd  
ars of age are most likely  
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me other offenses of the  
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Department, did not

ADMIN

	WISCONSIN	ILLINOIS	MICHIGAN	MINNESOTA	MASSACHUSETTS
Legal References	Chap. 459, Laws of 1947	C38, Sec. 820, 1938 Supplemented 1947	Sec. 23.967(1)-23.967(a) 1939. Amended 1947	Sec. 526.09-11 1945	Chapter 123A
I. Designation of Condition	Sexual psychopath.	Criminal sexual psychopathic person.	Criminal sexual psychopathic person.	Psychopathic personality.	Psychopathic person.
II. Elements of Definition	Irresponsible for sexual conduct and thereby dangerous to himself and others because of: 1. Emotional instability; or 2. Impulsiveness of behavior; or 3. Lack of customary standards of good judgment; or 4. Failure to appreciate consequences of acts; or 5. Combination of above.	1. Mental disorder. 2. Not insane or feeble-minded. 3. Existing for period of one year. 4. Coupled with criminal propensities toward the commission of sex offenses. (All four elements required.)	1. Mental disorder. 2. Not insane or feeble-minded. 3. Existing for period of one year. 4. Coupled with criminal propensities toward the commission of sex offenses. (All four elements required.)	Irresponsible for sexual conduct and thereby dangerous to others by reason of: 1. Emotions... or 2. Impulsive... of action; or 3. Lack of customary standards of good judgment; or 4. Failure to appreciate consequences of acts; or 5. Combination thereof.	1. Habitual course of conduct in sexual matters evidencing lack of power to control sexual impulses; 2. Likely to attack or otherwise inflict injury, pain, or other evil upon others. (Both elements necessary.)
III. Basis of Jurisdiction	No crime or charge thereof is necessary.	1. Charge of criminal offenses. 2. Detention in state penitentiary.	Charge of criminal offense.	No crime or charge thereof necessary.	No crime or charge thereof necessary.
IV. Discretion in Initiating Proceeding	District Attorney (discretionary).	1. Attorney General (discretionary). 2. State's Attorney (discretionary). 3. Department of Public Safety (mandatory).	1. County Prosecutor. 2. Attorney General. 3. Someone on behalf of person charged with crime. (All discretionary.)	County Attorney (discretionary).	District Attorney (discretionary).
V. Tribunal and Proceedings	1. Court of record (Juvenile court if under 18). 2. Jury on demand. 3. Private hearing in court's discretion. 5. Jurisdiction over juveniles.	1. Court of record. 2. Jury mandatory. 3. No provision for private hearing. 4. Hearing 10 days after service of copy of petition. 5. No jurisdiction over juveniles.	1. Court of record. 2. Jury on demand. 3. No provision for private hearing. 4. Hearing within 15 days after last report. 5. No jurisdiction over juveniles.	1. Probate court. 2. No jury. 3. Private hearing (discretion of court). 5. No jurisdiction over juveniles.	1. Court of record. 2. Jury discretionary court. 3. Private hearing (discretion of court). 5. No jurisdiction over juveniles.
VI. Medical Examination	1. Two duly licensed physicians. (Two years general experience or one year's experience as a physician in a hospital for the insane.) 2. Mental hospital.	1. Two qualified psychiatrists (reputable licensed physicians who have exclusively limited practice to mental and nervous disorders for five years). 2. Mental hospital.	1. Two qualified psychiatrists (respondent must answer their questions under penalty of contempt of court). Concurrence necessary for affirmative finding. 2. Mental hospital.	1. Two duly licensed doctors of medicine (by decision, held; concurrence of doctors not required). 2. Mental hospital.	1. Two duly licensed certified physicians as by Department of Health. 2. Mental hospital.
VII. Effect of Commitment on Criminal Proceedings	No defense.	Postponed till after release, but not defense.	Defense to crime of which accused at time of filing petition.	No defense, but statute of limitations runs.	No defense, but execution of sentence stayed until release.
VIII. Procedure for Release	1. Parole by court upon recommendation of superintendent of institution. 2. Proceedings initiated by committed person, relative or friend.	Proceeding initiated by committed person or other person interested.	1. Parole by State Hospital Commission; or 2. Proceedings initiated by attorney for committed person.	1. Parole by director of public institution; or 2. Proceedings initiated by him or committed person or other interested person.	Proceedings initiated by Department of Mental Health or committed person.
IX. Nature of Release—Whether Complete or Subject to Supervision	1. Complete release. 2. Parole.	To sheriff to stand trial on original charge.	Complete if by court.	Complete if by court.	Complete if by court.
X. Number of Cases Committed Under the Law	Law inoperative.	16 cases in 10 years.	Law inoperative.	Under 200 cases in years.	Law inoperative.

NOTE: Missouri has enacted sex psychopath act since completion of this study.