

CHAPTER 50.

AN ACT providing for the sexual sterilization of feeble minded persons in certain cases, prescribing the power of courts and defining the duties of medical examiners and the superintendent of institutions for the feeble minded in relation thereto.

[H. 220. Approved March 3, 1931.]

Feeble Minded Persons—Commitments—Duty of Examining Physicians—Contents of Certificates.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That whenever an application for the commitment of any person to an institution for the feeble-minded shall be filed in any court having competent jurisdiction, it shall be the duty of each of the examining physicians appointed by the court, as now provided by law, if he shall certify to the court that the person for whom such application is made, is, in his opinion, afflicted with idiocy, imbecility, or feeble-mindedness, to further certify to the court whether, in his opinion, such person is the probable potential parent of mentally incompetent or socially inadequate offspring likewise afflicted.

Sexual Sterilization—Evidence—Finding and Decree of Court—Appeal—Commitment—Contents.

SEC. 2. Upon the hearing of such application for commitment, evidence may be submitted as to whether the best interest of society and of such feeble-minded person will be served by his or her sexual sterilization; and if the court shall find that such person is feeble-minded and should be committed to the custody of such institution for the feeble-minded, it shall further find whether the welfare of society and of such feeble-minded person will be promoted by his or her sexual sterilization, the finding of the court being either that sexual sterilization is unnecessary or that the best interest of society and of such feeble-minded person will be served by his or her sexual sterilization. And if the court shall find that the best interests of society and of such feeble-minded person will be served by his or her sexual sterilization, the court, as a part of the judgment and decree committing such feeble-minded person to such institution shall authorize the superintendent of the institution to which such feeble-minded person is committed to have per-

formed upon such feeble-minded person the operation of vasectomy, if a male, and of salpingectomy, if a female, or any other more suitable operation or treatment having sure sterilizing results, which authorization shall be set forth in the order of commitment, a copy of which, under seal of the court, shall be forwarded to such superintendent along with other required papers in the case: *Provided, however,* That such feeble-minded person, by his or her guardian, parent or next friend, may, within thirty days after judgment, appeal, as in other civil proceedings, from the finding and judgment of the court authorizing such operation of sterilization, and the pendency of such appeal shall stay the performance of such operation of sterilization until the appeal be determined: *Provided, further,* That upon the filing of notice of appeal, the clerk of the court in which such notice is filed shall forthwith forward by mail to the superintendent of such institution written information of the filing of such notice of appeal.

Sexual Sterilization—Duties of Superintendent—Physical Condition of Patient—Operation.

SEC. 3. Whenever any feeble-minded person upon whom the operation of sexual sterilization shall have been authorized, as herein provided, shall have been admitted to an institution for the feeble-minded, the superintendent thereof, at such time as he may deem expedient, and when in his judgment the general health of such feeble-minded person will not be affected thereby, and not less than thirty days after such feeble-minded person has been received at such institution, may have performed upon such feeble-minded person by a competent licensed physician and surgeon the operation of vasectomy, if a male, and salpingectomy, if a female, or any other more suitable operation or treatment having such sterilizing results: *Provided,* That nothing in this act shall be construed to authorize the operation of castration or the removal of sound organs from the body.

Operation—Report by Superintendent—Contents—Board of State Charities.

SEC. 4. It shall be the duty of the superintendent of such institution for feeble-minded, whenever an operation for the sexual sterilization of a feeble-minded person shall have

been performed, under the provisions of this act, and within ten days thereafter, to make a report thereof to the secretary of the board of state charities, which report shall set forth the name and age of the person upon whom such operation was performed, the county from which such person was committed, the date of such commitment, the date of admission to the institution, the date of such operation and the name and address of the physician and surgeon performing the same.

Superintendent—Physicians and Surgeons—Liability.

SEC. 5. Neither the superintendent, the attending physician or surgeon, nor any other person legally participating in the execution of the provisions of this act shall be liable either civilly or criminally on account of such participation, but they shall not be exempt from such action for any illegal or criminal act which may be incidental or collateral thereto.

Construction of Act.

SEC. 6. The provisions of this act shall not be construed as conflicting with or superseding the provision of the act approved March 11, 1927, entitled "An act to provide for the sexual sterilization of inmates of state institutions in certain cases" which act shall remain in full force and effect, but are intended as a separate and additional method of procedure.

CHAPTER 51.

AN ACT to amend sections 2, 3, 4, 6 and 7 of an act entitled "An act entitled an act prescribing the number of trustees of the Indiana University and the manner of their election, and declaring an emergency," approved March 3, 1891.

[H. 332. Approved March 3, 1931.]

Indiana University—Board of Trustees—Election.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That section 2 of the above entitled act be amended to read as follows: Section 2. Three members of the board of trustees shall be elected by the alumni of the university in the manner hereinafter provided. At the

annual commencement of the year in which the term of any member of the board of trustees elected by the alumni will expire, a successor to such trustee shall be elected by the alumni of the university, to serve for a term of three years from the first day of July next succeeding his election. When a vacancy occurs in the membership of the board of trustees who are elected by the alumni, because of death, resignation, removal from the state or any other reason, such vacancy shall be filled by election by the alumni, for the unexpired term.

Trustees—Board of Education—Vacancies.

SEC. 2. That section 3 of the above entitled act be amended to read as follows: Section 3. Five members of the board of trustees shall be elected by the state board of education, with the approval of the governor, for terms of three years. When a vacancy occurs in the membership of the board of trustees who are elected by the state board of education, because of death, resignation, removal from the state, or for any other reason, such vacancy shall be filled by election by the state board of education, with the approval of the governor, for the unexpired term.

University Librarian—Alumni Registry.

SEC. 3. That section 4 of the above entitled act be amended to read as follows: Section 4. A registry of the names and addresses of the alumni of the university shall be kept, and corrected from time to time, by the librarian of the university. The alumni of the university shall consist of those persons who have been awarded and on whom have been conferred the bachelor's, master's or doctor's degree.

Alumni—Annual Meeting—Election of Trustee.

SEC. 4. That section 6 of the above entitled act be amended to read as follows: Section 6. The annual meeting of the alumni for the election of members of the board of trustees shall be held at the university on the secular day immediately preceding the day on which the annual commencement is held, at the hour of nine o'clock in the forenoon. At such meeting a trustee shall be elected to serve for a term of three years from the first day of July next