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connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Industrial Exposition, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1940 edition, title 19, sec. 1524).

Deposit of receipts.

46 Stat. 741.
19 U. S. C. § 1524.

Approved June 8, 1948.

[CHAPTER 428]

June 9, 1948
[H. R. 6071]
[Public Law 615]

AN ACT

To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes.

Sexual psychopaths, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

INDECENT EXPOSURE

SEC. 101. Section 9 of the Act of July 29, 1892, entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia", as amended (D. C. Code, 1940 edition, sec. 22–1112), is hereby amended by inserting "(a)" before "That it shall not be lawful" and by adding at the end thereof the following new subsection:

27 Stat. 324.
D. C. Code, Supp. VI, § 22-1112.

"(b) Any person or persons who shall make any obscene or indecent exposure of his or her person or their persons, as described in subsection (a), knowing he or she or they are in the presence of a child under the age of sixteen years, shall be punished by imprisonment of not more than six months, or fined in amount not to exceed $500."

IMMORALITY—INVITING FOR PURPOSE OF, PROHIBITED

SEC. 102. The first section of the Act of August 15, 1935, entitled "An Act for the suppression of prostitution in the District of Columbia" (D. C. Code, 1940 edition, sec. 22–2701) is hereby amended to read as follows:

49 Stat. 651.

"That it shall not be lawful for any person to invite, entice, persuade, or to address for the purpose of inviting, enticing, or persuading any person or persons sixteen years of age or over, in or upon any avenue, street, road, highway, open space, alley, public square, enclosure, public building or other public place, store, shop, or reservation or at any public gathering or assembly in the District of Columbia, to accompany, go with, or follow him or her to his or her residence, or to any other house or building, enclosure, or other place, for the purpose of prostitution, or any other immoral or lewd purpose, under a penalty of not more than $100 or imprisonment for not more than ninety days, or both. And it shall not be lawful for any person to invite, entice, or persuade, or address for the purpose of inviting, enticing, or persuading any such person or persons from any door, window, porch, or portico of any house or building to enter any house, or go with, accompany, or follow him or her to any place whatever, for the purpose of prostitution, or any other immoral or lewd purpose, under the like penalties herein provided for the same conduct in the streets, avenues, roads, highways, or alleys, public squares, open spaces, enclosures, public buildings or other public places, stores, shops, or reservations or at any public gatherings or assemblies."

Penalty.

INDECENT ACTS—CHILDREN

SEC. 103. (a) Any person who shall take, or attempt to take any immoral, improper, or indecent liberties with any child of either sex, under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or who shall commit, or attempt to commit, any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child shall be imprisoned in a penitentiary, not more than ten years.

Penalty.

(b) Any such person who shall, in the District of Columbia, take any such child or shall entice, allure, or persuade any such child, to any place whatever for the purpose either of taking any such immoral, improper, or indecent liberties with such child, with said intent or of committing any such lewd, or lascivious act upon or with the body, or any part or member thereof, of such child with said intent, shall be imprisoned in the penitentiary not more than five years.

(c) Consent by a child to any act or conduct prescribed by subsection (a) or (b) shall not be a defense, nor shall lack of knowledge of the child's age be a defense.

(d) The provisions of this section shall not apply to the offenses covered by section 104 of this Act or by section 808 of the Act of March 3, 1901, entitled "An Act to establish a code of law for the District of Columbia", as amended and supplemented (D. C. Code, 1940 edition, sec. 22–2801).

Infra.

31 Stat. 1322.

SODOMY

SEC. 104. (a) Every person who shall be convicted of taking into his or her mouth or anus the sexual organ of any other person or animal, or who shall be convicted of placing his or her sexual organ in the mouth or anus of any other person or animal, or who shall be convicted of having carnal copulation in an opening of the body except sexual parts with another person, shall be fined not more than $1,000 or be imprisoned for a period not exceeding ten years. Any person convicted under this section of committing such act with a person under the age of sixteen years shall be fined not more than $1,000 or be imprisoned for a period not exceeding twenty years. And in any indictment for the commission of any of the acts, hereby declared to be offenses, it shall not be necessary to set forth the particular unnatural or perverted sexual practice with the commission of which the defendant may be charged, nor to set forth the particular manner in which said unnatural or perverted sexual practice was committed, but it shall be sufficient if the indictment set forth that the defendant committed a certain unnatural and perverted sexual practice with a person or animal, as the case may be: *Provided*, That the accused, on motion, shall be entitled to be furnished with a bill of particulars, setting forth the particular acts which constitute the offense charged.

Penalty.

Bill of particulars.

(b) Any penetration, however slight, is sufficient to complete the crime specified in this section. Proof of emission shall not be necessary.

TITLE II

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) The term "sexual psychopath" means a person, not insane, who by a course of repeated misconduct in sexual matters has evidenced

"Sexual psychopath."

such lack of power to control his sexual impulses as to be dangerous to other persons because he is likely to attack or otherwise inflict injury, loss, pain, or other evil on the objects of his desire.

"Court." (2) The term "court" means the District Court of the United States for the District of Columbia, the criminal branch of the municipal court for the District of Columbia, or the juvenile court of the District of Columbia, as the case may be.

"Patient." (3) The term "patient" means a person with respect to whom there has been filed with the clerk of any court a statement in writing setting forth facts tending to show that such person is a sexual psychopath.

"Criminal proceeding." (4) The term "criminal proceeding" means a proceeding in any court against a person for a criminal offense, and includes all stages of such a proceeding from (A) the time the person is indicted, charged by an information, or charged with an offense in the juvenile court of the District of Columbia, to (B) the entry of judgment, or, if the person is granted probation, the completion of the period of probation.

FILING OF STATEMENT

SEC. 202. (a) Whenever it shall appear to the United States attorney for the District of Columbia that any person within the District of Columbia, other than a defendant in a criminal proceeding, is a sexual psychopath, such attorney may file with the clerk of the District Court of the United States for the District of Columbia a statement in writing setting forth the facts tending to show that such person is a sexual psychopath.

(b) Whenever it shall appear to the United States attorney for the District of Columbia that any defendant in any criminal proceeding prosecuted by such attorney or any of his assistants is a sexual psychopath, such attorney may file with the clerk of the court in which such proceeding is pending a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

(c) Whenever it shall appear to any court that any defendant in any criminal proceeding pending in such court is a sexual psychopath, the court may, if it deems such procedure advisable, direct the officer prosecuting the defendant to file with the clerk of such court a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

Time limitation. (d) Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) may be filed only (1) before trial, (2) after conviction or plea of guilty but before sentencing, or (3) after conviction or plea of guilty but before the completion of probation.

Nonapplicability. (e) This section shall not apply to an individual in a criminal proceeding who is charged with rape or assault with intent to rape.

RIGHT TO COUNSEL

SEC. 203. A patient shall have the right to have the assistance of counsel at every stage of the proceeding under this title. Before the court appoints psychiatrists pursuant to section 204 it shall advise the patient of his right to counsel and shall assign counsel to represent him unless the patient is able to obtain counsel or elects to proceed without counsel.

Infra.

EXAMINATION BY PSYCHIATRISTS

SEC. 204. (a) When a statement has been filed with the clerk of any court pursuant to section 202, such court shall appoint two qualified psychiatrists to make a personal examination of the patient. The patient shall be required to answer questions asked by the psychiatrists under penalty of contempt of court. Each psychiatrist shall file a

Supra.

Filing of report.

written report of the examination, which shall include a statement of his conclusion as to whether the patient is a sexual psychopath.

(b) The counsel for the patient shall have the right to inspect the reports of the examination of the patient. No such report and no evidence resulting from the personal examination of the patient shall be admissible against him in any judicial proceeding except a proceeding under this title to determine whether the patient is a sexual psychopath.

Inspection of reports.

WHEN HEARING IS REQUIRED

SEC. 205. If, in their reports filed pursuant to section 204, both psychiatrists state that the patient is a sexual psychopath, or if both state that they are unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, or if one states that the patient is a sexual psychopath and the other states that he is unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, then the court shall conduct a hearing in the manner provided in section 206 to determine whether the patient is a sexual psychopath. If, on the basis of the reports filed, the court is not required to conduct such a hearing, the court shall enter an order dismissing the proceeding under this title to determine whether the patient is a sexual psychopath.

Ante, p. 348.

Infra.

HEARING; COMMITMENT TO SAINT ELIZABETHS HOSPITAL

SEC. 206. Upon the evidence introduced at a hearing held for that purpose the court shall determine whether or not the patient is a sexual psychopath. Such hearing shall be conducted without a jury unless, before such hearing and within fifteen days after the date on which the second report is filed pursuant to section 204, a jury is demanded by the patient or by the officer filing the statement. The rules of evidence applicable in judicial proceedings in the court shall be applicable to hearings pursuant to this section; but, notwithstanding any such rule, evidence of conviction of any number of crimes the commission of which tends to show that the patient is a sexual psychopath and of the punishment inflicted therefor shall be admissible at any such hearing. The patient shall be entitled to an appeal as in other cases. If the patient is determined to be a sexual psychopath, the court shall commit him to Saint Elizabeths Hospital to be confined there until released in accordance with section 207.

Ante, p. 348.

PAROLE; DISCHARGE

SEC. 207. Any person committed under this title may be released from confinement when the Superintendent of Saint Elizabeths Hospital finds that he has sufficiently recovered so as to not be dangerous to other persons, provided if the person to be released be one charged with crime or undergoing sentence therefor, the Superintendent of the hospital shall give notice thereof to the judge of the criminal court and deliver him to the court in obedience to proper precept.

STAY OF CRIMINAL PROCEEDINGS

SEC. 208. Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) of section 202 shall stay such criminal proceeding until whichever of the following first occurs:

Ante, p. 348.

(1) The proceeding under this title to determine whether the patient is a sexual psychopath is dismissed pursuant to section 205 or withdrawn;

(2) It is determined pursuant to section 206 that the patient is not a sexual psychopath; or

(3) The patient is discharged from Saint Elizabeths Hospital pursuant to section 207.

Ante, p. 349.

CRIMINAL LAW UNCHANGED

SEC. 209. Nothing in this title shall alter in any respect the tests of mental capacity applied in criminal prosecutions under the laws of the District of Columbia.

Approved June 9, 1948.

[CHAPTER 433]

AN ACT

June 10, 1948
[S. 2277]
[Public Law 616]

To amend section 13 of the Surplus Property Act of 1944, as amended, to provide for the disposition of surplus real property to States, political subdivisions, and municipalities for use as public parks, recreational areas, and historic-monument sites, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Surplus Property Act of 1944 (58 Stat. 770), as amended, is further amended by adding at the end thereof the following new subsection:

Surplus Property Act of 1944, amendment.
50 U. S. C. app. § 1622; Supp. I, § 1622.
Post, p. 1103.

Conveyance to State, etc.

"(h) (1) Notwithstanding any other provision of this Act, any disposal agency designated pursuant to this Act may, with the approval of the Administrator, convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus land, including improvements and equipment located thereon, which, in the determination of the Secretary of the Interior, is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public. The Administrator, from funds appropriated to the War Assets Administration, shall reimburse the Secretary of the Interior for the costs incurred in making any such determination.

Park or recreational purposes.

"(2) Conveyances for park or recreational purposes made pursuant to the authority contained in this subsection shall be made at a price equal to 50 per centum of the fair value of the property conveyed, based on the highest and best use of the property at the time it is offered for disposal, regardless of its former character or use, as determined by the Administrator.

Historic monuments.

Conveyances of property for historic-monument purposes under this subsection shall be made without monetary consideration: *Provided*, That no property shall be determined under this paragraph to be suitable or desirable for use as an historic-monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 3 of the Act entitled "An Act for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and no property shall be so determined to be suitable or desirable for such use if (A) its area exceeds that necessary for the preservation and proper observation of the historic monument situated thereon, or (B) it was acquired by the United States at any time subsequent to January 1, 1900.

16 U. S. C. § 463.

Deed of conveyance.

"(3) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed for a period of not less than twenty years, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and