

EXHIBIT B

SENATE BILLS

VERMONT

OCT. SESS.

1912

S. 79.

[Introduced by Mr. Johnson of Franklin County, read twice and referred to Joint Standing Committee on Public Health.]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE STERILIZATION OF IMBECILES, FEEBLE-MINDED AND INSANE PERSONS, RAPISTS, CONFIRMED CRIMINALS AND OTHER DEFECTIVES.

It is hereby enacted by the General Assembly of the State of Vermont:

1 Section 1 A board of examiners of feeble-minded,
2 criminals and other defectives is hereby created; and
3 [forthwith after the passage of this act, and biennially
4 thereafter, the governor shall appoint one neurologist,
5 one surgeon and one practitioner of medicine, each with
6 at least six years' experience in the actual practice of his
7 profession, for the term of two years from and including

8 the first day of December of the year of appointment, as
9 members of said board, who shall be sworn to a faithful
10 discharge of their duties. The members of such board
11 shall be paid ten dollars for each day actually spent in
12 the performance of their duties, and their actual and
13 necessary travelling expenses. A vacancy occurring in
14 said board shall be filled by the governor, for the unex-
15 pired term.

1 Sec. 2. Said board shall examine into the mental and
2 physical condition and the record and family history of
3 the insane, feeble-minded, epileptic, criminal and other
4 defective inmates confined in the hospitals for the insane,
5 state prison, reformatories and charitable and penal
6 institutions in the state; and if it appears to said board
7 that procreation by any such person would produce
8 children with an inherited tendency to crime, insanity,
9 feeble-mindedness, epilepsy, idiocy or imbecility, said
10 board shall appoint a time and place for hearing thereon
11 within the town where such person is confined, and shall
12 deliver to such person a notice in writing of such hearing,
13 which shall plainly state the time, place and purpose
14 thereof, and shall be delivered to him by some member

15 of said board, not less than six nor more than thirty
16 days before the day of said hearing. Said board shall be
17 present at the time and place appointed for such hearing,
18 and shall make such further examination and investi-
19 gation with respect to such person as shall seem to said
20 board necessary, and shall hear such person in his de-
21 fence if he appears and requests a hearing.

1 Sec. 3. If, in the judgment of all members of said
2 board, after said examination and hearing, procreation
3 by such person would produce children with an in-
4 herited tendency to crime, insanity, feeble-mindedness,
5 epilepsy, idiocy or imbecility, and if there is no prob-
6 ability that the condition of such person will improve
7 to such an extent as to render procreation by such
8 person advisable, or if, in the judgment of said board, the
9 physical or mental condition of such person will be
10 substantially improved thereby, and said board shall
11 unanimously so find, said board shall order such an
12 operation to be performed on such person for the
13 prevention of procreation as shall be decided by said
14 board to be safe and most effective, and shall appoint
15 some member of said board to perform such operation,
16 who shall perform it.

1 Sec. 4. Such order shall be in writing, signed by all
2 members of said board, and shall bear the date of its
3 issue, and shall contain the name of the person upon
4 whom the operation is to be performed, the character
5 of the operation and the name of the member of the
6 board who is designated to perform it, and shall be
7 filed by said board in the office of the county clerk of the
8 county where such person resides.

1 Sec. 5. Before thus filing said order, said board shall
2 make a copy thereof and deliver the same to the member
3 of said board designated to perform such operation; and
4 said order shall be his full warrant and authority for
5 performing such operation, and no person performing
6 an operation under the provisions of this act, in a proper
7 and skillful manner, shall be held to account therefor
8 in any court. But no operation so ordered shall be
9 performed until fifteen days after the filing of said order
10 in the office of the county clerk.

1 Sec. 6. Persons who shall come within the provisions
2 of this law as criminals, and not otherwise, shall be
3 those who have been convicted of the crime of rape,
4 or of such succession of offenses against the criminal law

5 as in the opinion of said board shall be deemed to be
6 sufficient evidence of confirmed criminal tendency.

1 Sec. 7. Said board shall keep a record of its ex-
2 aminations, hearings and orders, and, in each case
3 where an operation is performed under its order, said
4 board shall file with the superintendent or other ad-
5 ministrative officer of the institution where such person
6 is confined a copy of the record of the examination made
7 by said board in such case; and one year after the per-
8 formance of such operation said superintendent or
9 other administrative officer shall report to said board
10 the condition of such inmate and the effect of such
11 operation upon such inmate.

1 Sec. 8. This act shall not apply to children under
2 the age of puberty, nor to women forty-five years of age
3 and over.

1 Sec. 9. Except as authorized by this act, a person
2 who shall perform or assist in performing an operation
3 for the purpose of destroying the power to procreate
4 the human species, or a person who shall knowingly
5 permit such operation to be performed upon him,

6 unless the same shall be a medical necessity, shall be
7 fined not more than one thousand dollars or be im-
8 prisoned not more than five years, or both.

1 Sec. 10. Whenever a person shall be adjudged
2 guilty of rape, or shall be a third time convicted of
3 felony, the court may, in addition to such other sentence
4 as may be imposed, direct an operation to be performed
5 upon such person for the purpose of preventing pro-
6 creation, by a member of the board of examiners of
7 feeble-minded, criminals and other defectives to be
8 designated by said court, and such member of said
9 board shall perform an operation for such purpose, and
10 the sentence and order of the court shall be his full
11 warrant and authority therefor.

1 Sec. 11. The sum of one thousand dollars is hereby
2 annually appropriated to carry out the provisions of
3 this act.

1 Sec. 12. This act shall take effect from its passage.