

"(3) Upon the trial, the psychiatrists who filed reports pursuant to subsection (e) may be called as witnesses by the prosecution, the defendant, or the court. If called by the court, such witnesses shall be subject to cross-examination by the prosecution and by the defendant. Both the prosecution and the defendant may summon any other qualified psychiatrist to testify but no one who has not examined the defendant shall be competent to testify to his opinion as a psychiatrist with respect to the mental condition or responsibility of the defendant.

"(4) When a psychiatrist who has examined the defendant testifies concerning his mental condition, the witness shall be permitted to make a statement as to the nature of his examination, and his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged. Such psychiatrist shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.

"(5) Nothing herein shall exclude the prosecution from causing an examination of the defendant to be made to determine whether or not he had the capacity either to know or appreciate the wrongfulness of his conduct, to conform his conduct to the requirements of law or to understand the proceedings against him and assist in his own defense, provided the prosecution makes available to a defendant or his counsel the results of such examination.

"(h) Legal effect of acquittal on the ground of mental disease or defect excluding responsibility; commitment; release or discharge:

"(1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to a hospital having facilities for the custody and care of the mentally ill.

"(2) If the superintendent of such hospital is of the view that a person committed to his custody pursuant to paragraph (1) of this subsection is no longer suffering from mental illness and may be discharged or released on probation without danger to himself or to others, he shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecution and defense counsel. The court shall thereupon appoint at least two qualified psychiatrists to examine such person and to report within sixty days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition. To facilitate such examination, and the proceedings thereon, the court may cause such person to be confined in any institution which is suitable for the temporary detention of irresponsible persons.

"(3) If the court is satisfied by the report filed pursuant to paragraph (2) of this subsection and the testimony of the psychiatrists making such report, if the court deems it advisable to hear their testimony, that the committed person may be discharged or released on probation without danger to himself or others, the court shall order his discharge or release upon probation, on such conditions as the court determines to be necessary. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged or released. Any such hearing shall be deemed a civil proceeding and the burden shall be upon the committed person to prove that he may safely be discharged or released. According to the determination of the court upon the hearing, the committed person shall thereupon be discharged or released on probation on such conditions as the court determines to be necessary, or shall be recommitted to the custody of such hospital subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

"(4) If after the release on probation of a committed person, the court shall determine, after notice and hearing, that the conditions of probation have been violated and that for the safety of such person or the safety of others his probation should be revoked, the court shall forthwith order him recommitted to a hospital having facilities for the custody, care, and treatment of the mentally ill subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

"(5) A committed person may make application for his discharge or release to the court by which he was committed and the procedure to be followed upon such application shall be the same as that prescribed above