

is out on bond, to be examined by a private psychiatrist, prepare an insanity defense and come to trial at the last minute with medical witnesses, leaving the Government wholly unprepared to meet the defense.

The CHAIRMAN. So you like that section.

Mr. ACHESON. That is right, Mr. Chairman. Now, this is not a frequent problem, and I do not want to say that orderly progress of the trial depends on written notice in advance. But every now and then we run up against this problem and it would help if we had a statute requiring advance notice.

The CHAIRMAN. Just so that I can have that clear, with regard to section 201(c)(2)——

Mr. ACHESON. That is correct. Now, subsection (3) provides that the verdict shall state when the acquittal is on the ground of mental disease. That is now provided for substantially in the District of Columbia Code, title 24, section 301(c).

Now, the next page, under subsection (e), subsection (e) provides——

The CHAIRMAN. I don't know that I follow you there.

Mr. ACHESON. On page 4 of the bill, Mr. Chairman.

The CHAIRMAN. Yes, line 4.

Mr. ACHESON. That is right, line 4. Now, that subsection provides for the procedure for determining the competency of the defendant to stand trial, all the way over to page 6, down to line 10. Subsection (e) describes exactly what will be done to provide examination, hearings, the determination of competency by the court, et cetera.

Now, those provisions are pretty similar in the procedures that they require, to title 24 of the District of Columbia, section 301(a).

The terminology is different, but the procedures provided for are quite similar.

The CHAIRMAN. What you are saying is that subsection (e), proceduralwise, is already incorporated into the District Code?

Mr. ACHESON. It does not add much to what we already have.

The CHAIRMAN. Very well. It would not add anything?

Mr. ACHESON. That is right. Now, subsection (f) provides for a court hearing on the issue of competency to stand trial—that again is not a great departure from what we already have in 301(a) in title 24 of the Code. And that similarity will go down to page 7, line 12.

Now, beginning with line 12, on page 7, the bill provides for what shall happen when the defendant is committed to the hospital to be restored to mental competency and the steps there provided for are not a great departure from what we now have provided for in section 301(b) of title 24.

Beginning on page 8, line 9, subsection (4), there is a provision in the bill that in certain circumstances where the defendant is incompetent and has been in the hospital for a long period, the court may dismiss criminal charges and order him committed civilly.

We do not have the statutory provision like this. We do, however, have a practice which rather closely follows this.

In extreme cases, where it is clear that the defendant has suffered from mental incompetency for a long time and is likely to continue for a long time, we often dismiss the criminal charges against him