

Subsection (h), paragraph (2), provides that if the superintendent of the hospital to whom a person is appropriately committed is of the view that the person so committed "is no longer suffering from mental illness and may be discharged or released on probation without danger to himself or to others * * *" [emphasis supplied] he shall make application for release, et cetera. Your attention is invited to the fact that this phrasing could be interpreted to set up two conditions for applications for release, both of which must be satisfied in each case before application for such release is made. The two conditions are (1) "no longer suffering from mental illness"—that is, full recovery, and (2) "without danger to himself or to others." Many persons may be improved to the degree that they are without danger to themselves or to others and yet not be fully recovered. A strict interpretation of this paragraph would preclude making application for their release. Still others may recover from their illnesses and yet be dangerous to others, but not because of mental illness. A dangerous criminal may become mentally ill, recover from his illness, and still be a dangerous criminal. A preferred working might be achieved by deleting the material between the word "subsection" in line 25, page 10, and the word "he", in line 3, page 11, and inserting in lieu thereof the following:

is improved to the degree that he may be discharged or released on probation without danger to himself or to others in the reasonably foreseeable future as a consequence of mental disease or defect.

This same paragraph also requires the superintendent to "make application for the discharge or release of such person in a report to the court by which such person was committed." May I strongly suggest that consideration be given to placing the power of discharge or release on probation from a hospital in a body other than the committing court. Such powers of discharge and release on probation are not vested in the sentencing court once a convicted person has been sentenced to prison. Rather, it usually is vested in a board of parole or of pardons. In my view, a body consisting of psychiatrists, attorneys, and perhaps others, should be established and granted powers of discharge and release on probation in connection with mentally ill persons committed to a mental hospital as a consequence of criminal proceedings.

Subsection (h), paragraph (2), further—

The CHAIRMAN. Is there any precedent for that, Doctor?

Dr. CAMERON. In the European countries, as I mentioned previously, this is the way it is done. While I have every confidence in the jurists and in the courts, if it should happen at some future time that there was a judge who happened to be particularly concerned about the release of people who had been in serious difficulty—take particularly, and this does not apply too much to the District, but assume if you will a judge in a small town where there has been a sex crime and he is under considerable pressure from the local community to retain in the hospital a man who is in serious trouble, and if the release of that person rests with the court, it may be on occasion rather hard to get him from the hospital after he has recovered.

Now, I say this not in relation to the courts in the District, but in relation to it as a matter of principle, and I think that the laws in the District should be somewhat of a model to other parts of the country.

I also base it on the assumption that if society and the legislative bodies of the country have decided that it is inappropriate to place