

Dr. OVERHOLSER. Well, those are the principal points—except I just wonder—on page 12 of the bill, Mr. Chairman, I notice there is something said about the release on probation of a committed person. I suppose this refers to a person who has been committed after being found not guilty by reason of insanity, in which case it would seem really unfair and inconsistent to use a penal term in referring to him. The present statute of the District, which refers to the commitment, the mandatory commitment following an acquittal by reason of insanity, speaks of conditional or unconditional release, not of probation. This is merely perhaps a minor point in terminology, Mr. Chairman.

And then—

Senator DOMINICK. Do I understand from that, Doctor, that your objection is to the word “probation”?

Dr. OVERHOLSER. Yes, sir—because I take it this person has been acquitted, acquitted by reason of insanity.

The matter of whether or not—

Senator DOMINICK. Doctor, I wonder if I could ask a few more questions on that.

Is it your opinion, then, that if a person is acquitted by reason of insanity of a felony, that as soon as he is committed to a hospital, that the court no longer has jurisdiction over him?

Dr. OVERHOLSER. No, because after all, the court has sent him there, and there are provisions, of course, of habeas corpus, too, as well as conditional or unconditional release. It is merely the terminology that I raise a question about.

Senator DOMINICK. In other words, you think that it would be possible to release him under some sort of supervision.

Dr. OVERHOLSER. Yes, sir.

Senator DOMINICK. On a status similar to probation. And then if he violates the laws of the jurisdiction here, the court could immediately pick him up and recommit him to the hospital, even if the hospital authorities themselves felt that this was a mistake, is that correct?

Dr. OVERHOLSER. I think this is the status at the present time, Senator.

Senator DOMINICK. I wondered whether you had any objection to that.

Dr. OVERHOLSER. No—it is only the word I object to. Certainly not. I think that there ought to be a joint action between the court and the hospital in the matter of the release of these persons.

But there is provision now for an unconditional release, in which case of course neither the court nor the hospital has any control.

Senator DOMINICK. Now, in the paragraph above, starting on line 4, on page 12, it also says:

According to the determination of the court upon a hearing the committed person shall thereupon be discharged or released on probation, on such condition as the court determines to be necessary.

Now, this is a civil hearing, as I gather. And I would presume that this in turn—the word probation is also used on page 11 of the bill—that the civil hearing is designed to determine the degree of safety to the public in general if this person is allowed more freedom, is that correct?

Dr. OVERHOLSER. Yes, sir.