

Comparison of release provisions of sec. 24-301, District of Columbia Code and
H.R. 7525 (omnibus crime bill)

Provisions	Sec. 24-301, District of Columbia Code	H.R. 7525 (omnibus crime bill)
Movant.....	Superintendent of the hospital where the person is confined.	Superintendent of hospital or the committed person.
Types of release.....	Unconditional and conditional.....	Discharge and release on probation.
Standard for unconditional release or discharge.	1. Recovery of sanity. 2. That such person will not in the reasonable future be dangerous to himself or others. 3. In the superintendent's opinion, the person is entitled to unconditional release.	1. Recovery of sanity. 2. Such person may be discharged without danger to himself or others.
Standards for conditional release or release on probation.	1. Such person will not in the reasonable future be dangerous. 2. Recovery need not be complete (<i>Hough v. U.S.</i> , 106 USCA DC 192 (1959)).	1. Such person may be released without danger to himself or others. 2. Recovery of sanity.
How application is made.....	Certification.....	Report to the court.
Who receives a copy.....	Prosecutor (U.S. Attorney or Corporation Counsel).	Prosecutor and defense attorney.
Hearing and examination by psychiatrists before release.	The court may hold a hearing, in its discretion; it must upon objection by the United States or District of Columbia.	Court can no longer order release on report alone. There must be an examination by 2 psychiatrists and a report within 60 days.
Further hearings.....	None provided.....	If the court is not satisfied with report of psychiatrists, a hearing is to be ordered at which the defendant may put on his own psychiatrists. The burden here is on defendant to prove he may be discharged. If he fails he may be released only by favorable application of superintendent and psychiatrists.
Committed person as movant.....		Procedure same as in case of application by superintendent.
Time limitations.....	None.....	When committed person is movant the court need not consider his application until at least 6 months after confinement. If the court is adverse, defendant may not apply again until 1 year after date of any preceding hearing on application.
Habeas corpus provided for.....	Yes.....	Yes.
Standards for release on a writ of habeas corpus.	1. Recovery of sanity. 2. That defendant will not in the reasonable future be dangerous. 3. The superintendent acted arbitrarily and capriciously in refusing to certify the defendant (<i>Oreholter v. Russell</i> , 108 USCA DC 400 (1960)).	