

be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

(f) **REVOCATION OF CONDITIONAL DISCHARGE.**—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

(g) **RELEASE TO STATE OF CERTAIN OTHER PERSONS.**—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.

(Added Pub. L. 109-248, title III, §302(4), July 27, 2006, 120 Stat. 620.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4248, act Sept. 7, 1949, ch. 535, §1, 63 Stat. 688, related to the termination of custody by re-

lease or transfer, prior to its omission in the general amendment of this chapter by Pub. L. 98-473, title II, §403(a), Oct. 12, 1984, 98 Stat. 2057.

[CHAPTER 314—REPEALED]

[§§ 4251 to 4255. Repealed. Pub. L. 98-473, title II, § 218(a)(6), Oct. 12, 1984, 98 Stat. 2027]

Section 4251, added Pub. L. 89-793, title II, §201, Nov. 8, 1966, 80 Stat. 1442; amended Pub. L. 91-513, title III, §1102(s), Oct. 27, 1970, 84 Stat. 1294; Pub. L. 92-420, §3, Sept. 16, 1972, 86 Stat. 677, defined terms for purposes of this chapter.

Section 4252, added Pub. L. 89-793, title II, §201, Nov. 8, 1966, 80 Stat. 1443, related to examination to determine if offender is an addict and likely to be rehabilitated through treatment.

Section 4253, added Pub. L. 89-793, title II, §201, Nov. 8, 1966, 80 Stat. 1443, related to commitment for treatment.

Section 4254, added Pub. L. 89-793, title II, §201, Nov. 8, 1966, 80 Stat. 1443, related to conditional release.

Section 4255, added Pub. L. 89-793, title II, §201, Nov. 8, 1966, 80 Stat. 1443; amended Pub. L. 95-537, §3, Oct. 27, 1978, 92 Stat. 2038; Pub. L. 99-570, §1861(c), Oct. 27, 1986, 100 Stat. 3207-53; Pub. L. 99-646, §19, Nov. 10, 1986, 100 Stat. 3596, related to supervision in the community.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, with sections to remain in effect for five years as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(C) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

CHAPTER 315—DISCHARGE AND RELEASE PAYMENTS

Sec.	
4281.	Repealed.
4282.	Arrested but unconvicted persons.
4283.	Repealed.
4284.	Repealed.
4285.	Persons released pending further judicial proceedings.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-473, title II, §218(f), Oct. 12, 1984, 98 Stat. 2027, in items 4281, 4283, and 4284, substituted “Repealed” for “Discharge from prison”, “Probation”, and “Advances for rehabilitation”, respectively.

1978—Pub. L. 95-503, §2, Oct. 24, 1978, 92 Stat. 1704, added item 4285.

1952—Act May 15, 1952, ch. 289, §3, 66 Stat. 73, added item 4284.

[§ 4281. Repealed. Pub. L. 98-473, title II, § 218(a)(7), Oct. 12, 1984, 98 Stat. 2027]

Section, acts June 25, 1948, ch. 645, 62 Stat. 856; Sept. 19, 1962, Pub. L. 87-672, 76 Stat. 557, related to discharge from prison of a convicted person.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.