

(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should 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 release 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.

§ 4282. Arrested but unconvicted persons

On the release from custody of a person arrested on a charge of violating any law of the United States or of the Territory of Alaska, but not indicted nor informed against, or indicted or informed against but not convicted, and detained pursuant to chapter 207, or a person held as a material witness, the court in its discretion may direct the United States marshal for the district wherein he is released, pursuant to regulations promulgated by the Attorney General, to furnish the person so released with transportation and subsistence to the place of his arrest, or, at his election, to the place of his bona fide residence if such cost is not greater than to the place of arrest.

(June 25, 1948, ch. 645, 62 Stat. 856; Pub. L. 98-473, title II, §207, Oct. 12, 1984, 98 Stat. 1986.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §746a (July 3, 1926, ch. 795, §2, as added June 21, 1941, ch. 212, 55 Stat. 254).

The phrase “informed against” was inserted in two places in view of the fact that under the Federal Rules of Criminal Procedure the use of informations may be expected to increase. See Rule 7(b).

The section was extended to cover a person held as a material witness and unable to make bail. His predicament obviously calls for the relief afforded by the revised section.

Changes were made in phraseology and surplusage omitted.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-473 substituted “and detained pursuant to chapter 207” for “and not admitted to bail” and struck out “and unable to make bail” after “held as a material witness”.

Executive Documents

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

[§§ 4283, 4284. Repealed. Pub. L. 98-473, title II, § 218(a)(7), Oct. 12, 1984, 98 Stat. 2027]

Section 4283, act June 25, 1948, ch. 645, 62 Stat. 856, related to furnishing transportation when placing a defendant on probation.

Section 4284, added May 15, 1952, ch. 289, §1, 66 Stat. 72; amended Sept. 13, 1982, Pub. L. 97-258, §3(e)(5), 96 Stat. 1064, related to advances for rehabilitation.

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.

§ 4285. Persons released pending further judicial proceedings

Any judge or magistrate judge of the United States, when ordering a person released under chapter 207 on a condition of his subsequent appearance before that court, any division of that court, or any court of the United States in another judicial district in which criminal proceedings are pending, may, when the interests of justice would be served thereby and the United States judge or magistrate judge is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of non-custodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States Code. When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

(Added Pub. L. 95-503, §1, Oct. 24, 1978, 92 Stat. 1704; amended Pub. L. 101-647, title XXXV, §3599E, Nov. 29, 1990, 104 Stat. 4932; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-647 substituted “exceed” for “exced” after “not to”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Words “magistrate judge” substituted for “magistrate” wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Pub. L. 95-503, §3, Oct. 24, 1978, 92 Stat. 1704, provided that: “The amendments made by this Act [enacting this section] shall take effect on October 1, 1978.”

CHAPTER 317—INSTITUTIONS FOR WOMEN

Sec.

4321. Board of Advisers.
4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-391, title III, §301(b), Dec. 21, 2018, 132 Stat. 5220, added item 4322.