

AGREEMENT OF THE INDIVIDUAL AND THE DEPARTMENT, THE HEARING SHALL BE HELD WITHIN 30 DAYS AFTER THE COURT ORDERS THE EXAMINATION AND EVALUATION.

(3) THE DEPARTMENT SHALL SEND NOTICE OF THE HEARING:

- (I) TO THE INDIVIDUAL;
- (II) TO COUNSEL FOR THE INDIVIDUAL; AND
- (III) TO THE STATE'S ATTORNEY.

(4) THE HEARING OFFICER SHALL ISSUE ANY APPROPRIATE SUBPOENA FOR ANY PERSON OR EVIDENCE. THE COURT MAY COMPEL OBEDIENCE TO THE SUBPOENA.

(5) ANY RECORD THAT RELATES TO EVALUATION OR TREATMENT OF THE INDIVIDUAL BY THIS STATE SHALL BE MADE AVAILABLE, ON REQUEST, TO THE INDIVIDUAL OR COUNSEL FOR THE INDIVIDUAL.

(C) SAME -- CONDUCT.

(1) FORMAL RULES OF EVIDENCE DO NOT APPLY TO THE HEARING, AND THE HEARING OFFICER MAY ADMIT AND CONSIDER ANY RELEVANT EVIDENCE.

(2) THE HEARING SHALL BE RECORDED, BUT THE RECORDING MAY NOT BE TRANSCRIBED UNLESS THE COURT ASKS FOR A TRANSCRIPT.

(3) THE DEPARTMENT OR ITS DESIGNEE SHALL PRESENT THE EVALUATION REPORT ON THE INDIVIDUAL AND ANY OTHER RELEVANT EVIDENCE.

(4) AT THE HEARING, THE INDIVIDUAL IS ENTITLED:

(I) TO BE REPRESENTED BY COUNSEL, INCLUDING, IF THE INDIVIDUAL IS INDIGENT, THE PUBLIC DEFENDER OR A DESIGNEE OF THE PUBLIC DEFENDER;

(II) TO BE PRESENT;

(III) TO OFFER EVIDENCE; AND

(IV) TO CROSS-EXAMINE ADVERSE WITNESSES.

(5) AT THE HEARING, THE STATE'S ATTORNEY IS ENTITLED:

(I) TO BE PRESENT;

(II) TO OFFER EVIDENCE; AND