

(III) TO CROSS-EXAMINE ADVERSE WITNESSES.

(D) REPORT ON HEARING.

(1) WITHIN 10 DAYS AFTER THE HEARING ENDS, THE HEARING OFFICER SHALL PREPARE A REPORT THAT CONTAINS:

(I) A SUMMARY OF THE EVIDENCE RECEIVED AT THE HEARING;

(II) THE RECOMMENDATION OF THE HEARING OFFICER ON:

1. WHETHER THE INDIVIDUAL IS MENTALLY RETARDED OR HAS A MENTAL DISORDER;

2. WHETHER, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, THE INDIVIDUAL WOULD BE A DANGER TO THE INDIVIDUAL OR THE PERSON OR PROPERTY OF ANOTHER, IF RELEASED FROM CONFINEMENT, WITH OR WITHOUT CONDITION; AND

3. IF RELEASE FROM INPATIENT CONFINEMENT IS RECOMMENDED, ANY CONDITIONS OF RELEASE THAT THE COURT SHOULD IMPOSE; AND

(III) A STATEMENT THAT THE INDIVIDUAL AND THE STATE'S ATTORNEY, WITHIN 10 DAYS AFTER RECEIVING THE REPORT, SHALL FILE WITH THE COURT, IN WRITING, ANY EXCEPTIONS TO THE REPORT.

(2) THE HEARING OFFICER SHALL SEND THE REPORT:

(I) TO THE INDIVIDUAL;

(II) TO COUNSEL FOR THE INDIVIDUAL;

(III) TO THE STATE'S ATTORNEY;

(IV) TO THE COURT; AND

(V) TO THE EVALUATION FACILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59, §§ 27(d), 27A, and 27B(a).

In subsection (b)(1) of this section, reference to the hearing officer "of the Department" is substituted for the reference to a hearing officer "designated by the Secretary", to avoid the unintended implication that hearing officers are designated on a case-by-case basis. For conformity, in subsection (a)(2)(iv) of this section, the same reference is added.