

- (II) COUNSEL FOR THE COMMITTED INDIVIDUAL;
- (III) THE STATE'S ATTORNEY; AND
- (IV) A HEARING OFFICER OF THE DEPARTMENT.

(D) NOTICE AND SUMMONS.

(1) THE DEPARTMENT SHALL SEND NOTICE OF THE RELEASE HEARING TO:

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

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

(E) RELEASE HEARING -- CONDUCT.

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

(2) THE HEARING SHALL BE RECORDED, BUT THE RECORDING NEED NOT BE TRANSCRIBED UNLESS REQUESTED. THE REQUESTING PARTY SHALL PAY THE COSTS OF THE TRANSCRIPT AND, IF EXCEPTIONS HAVE BEEN FILED, PROVIDE COPIES TO OTHER PARTIES AND THE COURT. IF THE COURT ORDERS A TRANSCRIPT, THE COURT SHALL PAY THE COSTS OF THE TRANSCRIPT.

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

(4) THE DEPARTMENT SHALL PRESENT THE EVALUATION REPORT ON THE COMMITTED INDIVIDUAL AND ANY OTHER RELEVANT EVIDENCE.

(5) AT THE RELEASE HEARING, THE COMMITTED INDIVIDUAL IS ENTITLED:

(I) TO BE PRESENT, TO OFFER EVIDENCE, AND TO CROSS-EXAMINE ADVERSE WITNESSES; AND

(II) TO BE REPRESENTED BY COUNSEL, INCLUDING, IF INDIGENT, THE PUBLIC DEFENDER OR A DESIGNEE OF THE PUBLIC DEFENDER.