

In subsection (e)(6) of this section, a new provision is added to clarify that the Department is a party in a release hearing.

12-115. HEARING OFFICER'S REPORT ON RELEASE ELIGIBILITY.

(A) CONTENT AND TIME OF REPORT.

WITHIN 10 DAYS AFTER THE HEARING ENDS, THE HEARING OFFICER SHALL PREPARE A REPORT OF RECOMMENDATIONS TO THE COURT THAT CONTAINS:

(1) A SUMMARY OF THE EVIDENCE PRESENTED AT THE HEARING;

(2) RECOMMENDATIONS OF THE HEARING OFFICER AS TO WHETHER THE COMMITTED INDIVIDUAL PROVED, BY A PREPONDERANCE OF THE EVIDENCE, ELIGIBILITY FOR CONDITIONAL RELEASE, OR ELIGIBILITY FOR DISCHARGE; AND

(3) IF THE HEARING OFFICER DETERMINES THAT THE COMMITTED INDIVIDUAL PROVED ELIGIBILITY FOR CONDITIONAL RELEASE, THE RECOMMENDED CONDITIONS OF THE RELEASE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) CONDITIONS OF A CONDITIONAL RELEASE.

IN RECOMMENDING THE CONDITIONS OF A CONDITIONAL RELEASE, THE HEARING OFFICER SHALL GIVE CONSIDERATION TO ANY SPECIFIC CONDITIONS RECOMMENDED BY THE FACILITY OF THE DEPARTMENT THAT HAS CHARGE OF THE COMMITTED INDIVIDUAL, THE COMMITTED INDIVIDUAL, OR COUNSEL FOR THE COMMITTED INDIVIDUAL.

(C) DELIVERY OF COPIES OF REPORT.

THE HEARING OFFICER SHALL SEND COPIES OF THE REPORT OF RECOMMENDATIONS:

(1) TO THE COMMITTED INDIVIDUAL;

(2) TO COUNSEL FOR THE COMMITTED INDIVIDUAL;

(3) TO THE STATE'S ATTORNEY;

(4) TO THE COURT; AND

(5) TO THE FACILITY OF THE DEPARTMENT THAT HAS CHARGE OF THE COMMITTED INDIVIDUAL.

(D) EXCEPTIONS.

THE COMMITTED INDIVIDUAL, THE STATE'S ATTORNEY, OR THE DEPARTMENT MAY FILE EXCEPTIONS TO THE HEARING OFFICER'S REPORT WITHIN 10 DAYS AFTER RECEIVING THE REPORT.

TASK FORCE COMMENT TO § 12-115.