

VICTIM'S REPRESENTATIVE MAY SUBMIT A WRITTEN OR ORAL STATEMENT TO THE COURT OR THE OFFICE CONDUCTING A HEARING OR REVIEW RELATING TO A DEFENDANT UNDER THIS TITLE CONTAINING:

(I) ANY INFORMATION REGARDING THE NATURE AND CONSEQUENCES OF THE CRIME AND ANY CONTACT AFTER THE CRIME BETWEEN THE DEFENDANT AND THE VICTIM OR THE VICTIM'S FAMILY; AND

(II) A REQUEST THAT THE DEFENDANT BE PROHIBITED FROM HAVING ANY CONTACT WITH THE VICTIM AS A CONDITION OF RELEASE.

(f) (1) If a victim or victim's representative submits WRITTEN OR ORAL information [to the Health Department] under this section, the Health Department, COURT, OR OFFICE shall:

[(1)](I) consider the information;

[(2)](II) maintain at the facility that has charge of the [committed person] DEFENDANT, separate from the medical record of the [committed person] DEFENDANT, the written statement of the victim or victim's representative; and

[(3)](III) delete the victim's or the victim's representative's address and telephone number before any document is examined by the [committed person or the committed person's representative] DEFENDANT OR DEFENDANT'S REPRESENTATIVE.

(2) (I) IF A VICTIM OR A VICTIM'S REPRESENTATIVE HAS SUBMITTED A WRITTEN FACTUAL STATEMENT UNDER SUBSECTION (E)(2)(I) OF THIS SECTION TO THE HEALTH DEPARTMENT, AT LEAST 30 DAYS BEFORE A HEARING OR REVIEW UNDER THIS TITLE THE HEALTH DEPARTMENT SHALL NOTIFY THE DEFENDANT OR DEFENDANT'S REPRESENTATIVE IN WRITING OF THE INTENDED USE OF THE VICTIM'S OR VICTIM'S REPRESENTATIVE'S WRITTEN FACTUAL STATEMENT AND SEND TO THE DEFENDANT OR THE DEFENDANT'S REPRESENTATIVE A COPY OF THE WRITTEN FACTUAL STATEMENT TO BE ADMITTED.

(II) IF THE DEFENDANT OBJECTS TO THE ADMISSION OF THE WRITTEN FACTUAL STATEMENT OF THE VICTIM OR VICTIM'S REPRESENTATIVE, THE DEFENDANT SHALL NOTIFY THE HEALTH DEPARTMENT, STATE'S ATTORNEY, AND COURT OR THE OFFICE IN WRITING NO LATER THAN 20 DAYS BEFORE THE HEARING OR REVIEW.

(III) IF THE TIMELY AND PROPER NOTICE REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS PROVIDED BY THE DEFENDANT, THE WRITTEN FACTUAL STATEMENT IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE VICTIM OR VICTIM'S REPRESENTATIVE.

(IV) FAILURE OF THE DEFENDANT TO GIVE THE TIMELY AND PROPER NOTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IS A WAIVER OF THE DEFENDANT'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE VICTIM OR VICTIM'S REPRESENTATIVE AND THE WRITTEN FACTUAL STATEMENT OF THE VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE ADMITTED.