

11-111. HEARING.

(A) REQUIRED BEFORE TESTING.

(1) BEFORE ORDERING A TEST UNDER § 11-110 OF THIS SUBTITLE, THE COURT SHALL HOLD A HEARING AT WHICH BOTH THE VICTIM OR VICTIM'S REPRESENTATIVE AND THE PERSON CHARGED WITH A PROHIBITED EXPOSURE HAVE THE RIGHT TO BE PRESENT.

(2) THE COURT SHALL NOTIFY BOTH THE VICTIM OR VICTIM'S REPRESENTATIVE AND THE PERSON CHARGED WITH A PROHIBITED EXPOSURE OF:

- (I) THE DATE, TIME, AND LOCATION OF THE HEARING; AND
- (II) THEIR RIGHT TO BE PRESENT AT THE HEARING.

(B) ADMISSIBLE EVIDENCE.

DURING THE HEARING, A COURT MAY ADMIT INTO EVIDENCE ONLY AFFIDAVITS, COUNTER-AFFIDAVITS, AND MEDICAL RECORDS THAT:

- (1) RELATE TO THE MATERIAL FACTS OF THE CASE; AND
- (2) SUPPORT OR REBUT A FINDING OF PROBABLE CAUSE TO ISSUE A COURT ORDER.

(C) REQUEST TO BE FILED AND SEALED.

THE WRITTEN REQUEST OF THE VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE FILED BY THE STATE'S ATTORNEY WITH THE COURT AND SEALED BY THE COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 855(c)(2), (3), and (4).

In subsection (a)(1) of this section, the phrase "charged with a prohibited exposure" is added to reflect that this subsection applies to proceedings in juvenile court.

In subsection (a)(2) of this section, reference to the obligation of "the court" to notify certain persons is added to reflect current practice.

In the introductory language of subsection (b) of this section, the clause "a court may admit into evidence" is substituted for the former reference to affidavits, counter-affidavits, and medical records that "may be admissible", for clarity.

In subsection (b)(2) of this section, the former reference to a finding of probable cause "by a court" is deleted as unnecessary because all findings of probable cause are made by a court.

Defined terms: "Charged" § 11-107

"Person" § 1-101