

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.

(V) IF A DEFENDANT PROVIDES NOTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE HEALTH DEPARTMENT SHALL NOTIFY THE VICTIM THAT:

1. THE VICTIM'S OR VICTIM'S REPRESENTATIVE'S WRITTEN FACTUAL STATEMENT IS INADMISSIBLE AT THE HEARING WITHOUT THE TESTIMONY OF THE VICTIM OR VICTIM'S REPRESENTATIVE; AND

2. THE VICTIM OR VICTIM'S REPRESENTATIVE MAY ATTEND THE HEARING AND TESTIFY.

(g) [This] EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, THIS section may not be construed to authorize the release to the victim or victim's representative of any medical, psychological, or psychiatric information on a [committed person] DEFENDANT.

(h) The [facility of the] Health Department [that has charge of a person under § 3-111 of this title] shall promptly notify the State's Attorney and a victim or a victim's representative who has requested notification REGARDING A DEFENDANT under this section if:

- (1) [the person] THE DEFENDANT is absent without authorization;
- (2) A HOSPITAL WARRANT IS ISSUED FOR THE DEFENDANT; OR
- (3) NOTIFICATION IS REQUIRED UNDER § 11-508 OF THIS ARTICLE.

(i) An agent or employee of the Health Department who acts in compliance with this section shall have the immunity from liability described under § 5-522 of the Courts Article.