

(2) The hearing officer of the Department postpones the hearing for good cause shown.

(g) At the hearing on revocation or modification:

(1) The committed individual is entitled to be represented by counsel including, if indigent, the Public Defender or designee of the Public Defender;

(2) The committed individual, Department, and State's Attorney are entitled to offer evidence, to cross-examine adverse witnesses, and to any other rights that the hearing officer considers necessary for a fair hearing; and

(3) The hearing officer shall find:

(i) Whether, by a preponderance of the evidence, the State has proved that the committed individual violated conditional release; and

(ii) Whether, by a preponderance of the evidence, the committed individual nevertheless has proved eligibility for conditional release.

(h) (1) The hearing officer promptly shall:

(i) Send a report of the hearing and determination to the court; and

(ii) Send copies of the report to the committed individual, counsel for the committed individual, the State's Attorney, and the Department.

(2) Within 5 days after receipt of the hearing officer's report, the committed individual, the State's Attorney, or the Department may file exceptions to the determination of the hearing officer.

(i) After the court considers the hearing officer's report, the evidence, and any exceptions filed, within 10 days after the court receives the report, the court shall:

(1) Revoke the conditional release and order the committed individual returned to the facility designated by the Department;

(2) Modify the conditional release as required by the evidence;

(3) Continue the present conditions of release; or

(4) Extend the conditional release by an additional term of 5 years.

(j) The court shall notify the central repository of the criminal justice information system of THE ISSUANCE OF ANY HOSPITAL WARRANT AND any revocation it orders under this section.

(k) (1) An appeal from a District Court order shall be on the record in circuit court.

(2) An appeal from a circuit court order shall be by application for leave to appeal to the Court of Special Appeals.