

IF THE COURT'S REVIEW OF THE PETITION DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE COMMITTED PERSON HAS VIOLATED A CONDITIONAL RELEASE, THE COURT PROMPTLY SHALL:

(1) ISSUE A HOSPITAL WARRANT FOR THE COMMITTED PERSON AND DIRECT THAT ON EXECUTION THE COMMITTED PERSON SHALL BE TRANSPORTED TO THE FACILITY DESIGNATED BY THE HEALTH DEPARTMENT; AND

(2) SEND A COPY OF THE HOSPITAL WARRANT AND THE PETITION TO:

- (I) THE STATE'S ATTORNEY;
- (II) THE PUBLIC DEFENDER;
- (III) THE COUNSEL OF RECORD FOR THE COMMITTED PERSON;
- (IV) THE PERSON WHO REPORTED THE VIOLATION;
- (V) THE OFFICE; AND
- (VI) THE HEALTH DEPARTMENT.

(F) REVOCATION HEARING REQUIRED.

WITHIN 10 DAYS AFTER THE COMMITTED PERSON IS RETURNED TO THE HEALTH DEPARTMENT IN ACCORDANCE WITH THE HOSPITAL WARRANT, THE OFFICE SHALL HOLD A HEARING UNLESS:

(1) THE HEARING IS POSTPONED OR WAIVED BY AGREEMENT OF THE PARTIES; OR

(2) THE OFFICE POSTPONES THE HEARING FOR GOOD CAUSE SHOWN.

(G) HEARING PROCEDURES.

AT THE HEARING ON REVOCATION OR MODIFICATION:

(1) THE COMMITTED PERSON IS ENTITLED TO BE REPRESENTED BY COUNSEL INCLUDING, IF THE COMMITTED PERSON IS INDIGENT, THE PUBLIC DEFENDER OR DESIGNEE OF THE PUBLIC DEFENDER;

(2) THE COMMITTED PERSON, HEALTH DEPARTMENT, AND STATE'S ATTORNEY ARE ENTITLED TO OFFER EVIDENCE, TO CROSS-EXAMINE ADVERSE WITNESSES, AND TO EXERCISE ANY OTHER RIGHTS THAT THE OFFICE CONSIDERS NECESSARY FOR A FAIR HEARING; AND

(3) THE OFFICE SHALL FIND:

(I) WHETHER, BY A PREPONDERANCE OF THE EVIDENCE, THE STATE HAS PROVED THAT THE COMMITTED PERSON VIOLATED CONDITIONAL RELEASE; AND

(II) WHETHER, BY A PREPONDERANCE OF THE EVIDENCE, THE COMMITTED PERSON NEVERTHELESS HAS PROVED ELIGIBILITY FOR CONDITIONAL RELEASE.