



## Ohio Revised Code

### Section 2930.02 Victim's representative.

Effective: July 7, 2023

Legislation: Senate Bill 16 - 135th General Assembly

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(A)(1) Any of the following persons may, subject to the prohibition on the unauthorized practice of law under section 4705.07 of the Revised Code, exercise the rights of a victim under this chapter as the victim's representative:

(a) Any person designated by the victim;

(b) A member of the victim's family or a victim advocate designated as the victim's representative to exercise the rights of a victim under this chapter as the victim's representative if a victim is a minor or is incapacitated, incompetent, or deceased, subject to division (D) of this section;

(c) If the case involves a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the Revised Code, a member of the deceased victim's family, a victim advocate, or another person designated by one or more members of the deceased victim's family.

(2) If a victim is incapacitated, incompetent, or deceased, and no member of the victim's family or victim advocate comes forward to act as a victim representative, a court may appoint a victim advocate or other person the court determines to be appropriate to act as a victim representative, except that the court shall not appoint any person employed by the prosecuting attorney to act as a victim representative unless the prosecuting attorney consents to the appointment.

(B) If the prosecutor in the case or the court has a reasonable basis to believe that the victim's representative is not acting in the interests of the child victim, victim with a developmental disability, or an incapacitated or incompetent victim, the prosecutor shall file a motion with the court setting forth the reasonable basis for that belief and the court shall hold a hearing to determine whether the victim's representative is acting in the interests of the victim. The court shall make this determination by a preponderance of the evidence. If the court finds that the victim's representative is not acting in the interests of the victim, the court shall appoint a victim advocate or other person the court determines to be appropriate to act as a victim's representative instead of the previously appointed



victim's representative, except that the court shall not appoint any person employed by the prosecuting attorney to act as a victim representative unless the prosecuting attorney consents to the appointment.

(C) If more than one person seeks to act as the victim's representative for a particular victim, the court that has jurisdiction over the criminal matter or the court in which the criminal prosecution or delinquency proceeding is held shall designate one of those persons as the victim's representative. If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter.

(D) If pursuant to division (A) of this section a victim's representative is to exercise the rights of a victim, the victim shall notify law enforcement and the prosecutor, or, if it is a delinquency proceeding and a prosecutor is not involved in the case, shall notify the court that the victim's representative is to act for the victim. When a victim has so notified law enforcement and the prosecutor, or the court, all notices under this chapter shall be sent to the victim and the victim's representative, all rights under this chapter shall be granted to the victim and the victim's representative, and all references in this chapter to a victim, except the references to a victim in section 2930.071 of the Revised Code, shall be interpreted as being references to the victim and the victim's representative unless the victim informs the notifying authority that the victim does not wish to receive the notices or exercise the rights.

(E) A suspect, defendant, offender, alleged juvenile offender, or delinquent child may not act as a victim's representative relative to the criminal offense or delinquent act involving the victim.

(F) In any post-conviction proceeding or in regards to any post-conviction relief, if the prosecutor in the case or the court has a reasonable basis to believe that the victim's representative is not acting in the interests of the child victim, victim with a developmental disability, or an incapacitated or incompetent victim, the prosecutor shall file a motion with the court setting forth the reasonable basis for that belief and the court shall hold a hearing to determine whether the victim's representative is acting in the interests of the victim. The court shall make this determination by a preponderance of the evidence. If the court finds that the victim's representative is not acting in the interests of the victim, the court shall appoint a court appointed special advocate, a guardian ad litem, or a victim advocate to act as a victim's representative instead of the previously appointed victim's



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representative.