

Effective 5/13/2014

77-38-9 Representative of victim -- Court designation -- Representation in cases involving minors -- Photographs in homicide cases.

- (1)
 - (a) A victim of a crime may designate, with the approval of the court, a representative who may exercise the same rights that the victim is entitled to exercise under this chapter, including pursuing restitution.
 - (b) Except as otherwise provided in this section, the victim may revoke the designation at any time.
 - (c) In cases where the designation is in question, the court may require that the designation of the representative be made in writing by the victim.
- (2) In cases in which the victim is deceased or incapacitated, upon request from the victim's spouse, parent, child, or close friend, the court shall designate a representative or representatives of the victim to exercise the rights of a victim under this chapter on behalf of the victim. The responsible prosecuting agency may request a designation to the court.
- (3)
 - (a) If the victim is a minor, the court in its discretion may allow the minor to exercise the rights of a victim under this chapter or may allow the victim's parent or other immediate family member to act as a representative of the victim.
 - (b) The court may also, in its discretion, designate a person who is not a member of the immediate family to represent the interests of the minor.
- (4) The representative of a victim of a crime shall not be:
 - (a) the accused or a person who appears to be accountable or otherwise criminally responsible for or criminally involved in the crime or conduct, a related crime or conduct, or a crime or act arising from the same conduct, criminal episode, or plan as the crime or conduct is defined under the laws of this state;
 - (b) a person in the custody of or under detention of federal, state, or local authorities; or
 - (c) a person whom the court in its discretion considers to be otherwise inappropriate.
- (5) Any notices that are to be provided to a victim pursuant to this chapter shall be sent to the victim or the victim's lawful representative.
- (6) On behalf of the victim, the prosecutor may assert any right to which the victim is entitled under this chapter, unless the victim requests otherwise or exercises his own rights.
- (7) In any homicide prosecution, the prosecution may introduce a photograph of the victim taken before the homicide to establish that the victim was a human being, the identity of the victim, and for other relevant purposes.

Amended by Chapter 244, 2014 General Session