

# **Support Person for Victims of Violent Crimes SB 198, Oregon Laws Chapter 490:**

*Effective date: January 1, 2006*

This bill allows certain crime victims to choose a support person, called a "personal representative," to accompany the victim to most phases of the investigation, medical examination, and prosecution of a crime. The presence of a personal representative is intended to provide victims with emotional support as they move through the prosecution process.

## **Details:**

- **Who is protected by this law?**
  - The law applies to victims, 15 years of age or older, of Class A misdemeanor or felony person crimes.
- **Who may be a support person (called a "personal representative")?**
  - The victim may choose anyone who is at least 18 years of age (a family member, friend, neighbor, or anyone else) to be a personal representative.
  - The victim may have the same personal representative throughout the process, or may choose a different personal representative at any time.
  - The personal representative may not be a suspect in the criminal case, or a witness or party to the criminal case.
- **What can the personal representative do for the victim?**
  - The personal representative may accompany the victim to any stage of the investigation, medical examination, and prosecution, **except** grand jury proceedings or child abuse assessments.
  - The personal representative's role is to provide emotional support for the victim.
  - The personal representative may not be prohibited from accompanying a victim unless a health care provider, law enforcement agency, protective service worker, or court believes the personal representative would compromise the process.
- **Can a personal representative be subpoenaed and questioned?**
  - Yes. Communications between the personal representative and the victim are not confidential. No law prevents a personal representative from being subpoenaed or questioned in the course of a criminal investigation or other proceeding.
  - If a personal representative is subpoenaed, he or she may be questioned about a broad scope of issues.
  - Victims, and those providing confidential services to victims (such as counselors, clergy, or advocates) should carefully consider confidentiality issues before making personal representative decisions. A victim's informed consent should be secured before proceeding.