

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/23/15
A Bill

HOUSE BILL 1855

By: Representative Petty
By: Senators D. Sanders, *Hester, Rapert*

For An Act To Be Entitled

AN ACT TO BE KNOWN AS "THE COURTHOUSE DOGS CHILD WITNESS SUPPORT ACT"; TO RECOGNIZE THE SPECIAL CIRCUMSTANCES AND NEEDS OF A CHILD WITNESS DURING A CRIMINAL COURT PROCEEDING; TO PROTECT THE CHILD WITNESS FROM UNNECESSARY EMOTIONAL DISCOMFORT OR ANGUISH BY PROVIDING FOR THE ASSISTANCE OF A CERTIFIED FACILITY DOG; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS "THE COURTHOUSE DOGS CHILD WITNESS SUPPORT ACT".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 43, Subchapter 10, is amended to add an additional section to read as follows:

16-43-1002. Certified facility dogs for child witnesses.

(a) As used in this section:

(1) "Certified facility dog" means a dog that has:

(A) Graduated from a program of an assistance dog organization that is a member of Assistance Dogs International or a similar nonprofit organization that attempts to set the highest standard of training for dogs for the purpose of reducing stress in a child witness by enhancing the ability of the child witness to speak in a judicial proceeding by providing emotional comfort in a high stress environment;

(B) Received two (2) years of training; and



(C) Passed the same public access test as a service dog;

(2) "Certified handler" means a person who has received training from an organization accredited by Assistance Dogs International, the American Kennel Club, Therapy Dogs Incorporated, or an equivalent organization on offering the person's animal for assistance purposes and has received additional training on the protocols and policies of courts, the expected roles of the person's animal assistance team, and the expected interaction so as not to interfere with the collection of evidence or the effective administration of justice; and

(3) "Child witness" means a witness testifying in a criminal hearing or trial whose age at the time of his or her testimony is eighteen (18) years of age or younger.

(b) Subject to the Arkansas Rules of Civil Procedure, Arkansas Rules of Evidence, or other rule of the Supreme Court, if requested by either party in a criminal trial or hearing and if a certified facility dog is available within the jurisdiction of the judicial district in which the criminal case is being adjudicated, a child witness of the party shall be afforded the opportunity to have a certified facility dog accompany him or her while testifying in court.

(c) Before the introduction of a certified facility dog into the courtroom and outside the presence of the jury, the party desiring to utilize the presence of a certified facility dog shall file a motion certifying to the court the following information:

(1) The credentials of the certified facility dog;

(2) That the certified facility dog is adequately insured;

(3) That a relationship has been established between the child witness and the certified facility dog in anticipation of testimony; and

(4) That the presence of the certified facility dog may reduce anxiety experienced by the child witness while testifying in the criminal trial or hearing.

(d)(1) If the court grants the motion under subsection (c) of this section, the certified facility dog shall be accompanied by the certified handler of the certified facility dog to the witness stand with the child witness in the absence of the jury.

(2) The jury shall be seated subsequent to the child witness and certified facility dog taking their places in the witness stand.

(e) In the course of jury selection, with the court's approval under Rule 32.2 of the Arkansas Rules of Criminal Procedure, either party may voir dire prospective jury members on whether the presence of a certified facility dog to assist a child witness would create undue sympathy for the child witness or in any way serve as a prejudice to the defendant.

(f) In a criminal trial involving a jury in which the certified facility dog is utilized, the court shall present appropriate jury instructions that are designed to prevent prejudice for or against any party.

/s/Petty

APPROVED: 04/02/2015