

# SENATE BILL 55

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(PRE-FILED)

6lr0525  
CF 6lr0584

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By: **Senator Simonaire**

Requested: July 30, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Witness – Facility and Therapy Dogs – Support**

3 FOR the purpose of authorizing a court in a criminal proceeding to allow a certain dog to  
4 accompany a certain child witness during testimony on motion by a party; requiring  
5 certain information to be included in the motion; authorizing a court to grant a  
6 hearing on the motion; defining certain terms; and generally relating to child  
7 witnesses.

8 BY adding to

9 Article – Criminal Procedure

10 Section 11–305

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 **11–305.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) “CHILD WITNESS” MEANS A WITNESS WHO IS A MINOR WHEN THE  
20 WITNESS TESTIFIES IN A CRIMINAL PROCEEDING.

21 (3) “FACILITY DOG” MEANS A DOG THAT HAS:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) GRADUATED FROM A PROGRAM OF AN ASSISTANCE DOG  
2 ORGANIZATION THAT TRAINS DOGS FOR THE PURPOSE OF REDUCING STRESS IN A  
3 CHILD WITNESS;

4 (II) RECEIVED 2 YEARS OF TRAINING;

5 (III) PASSED THE SAME PUBLIC ACCESS TEST AS A SERVICE DOG;  
6 AND

7 (IV) BEEN TEAMED WITH A FACILITY DOG HANDLER.

8 (4) "FACILITY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED  
9 TRAINING ON:

10 (I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE  
11 PURPOSES FROM AN ORGANIZATION ACCREDITED BY ASSISTANCE DOGS  
12 INTERNATIONAL OR AN EQUIVALENT ORGANIZATION; AND

13 (II) COURT PROTOCOL AND POLICIES, INCLUDING THE  
14 EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM, AND HOW NOT TO INTERFERE  
15 WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

16 (5) "THERAPY DOG" MEANS A DOG THAT HAS:

17 (I) RECEIVED TRAINING TO PROVIDE AFFECTION AND  
18 COMFORT TO CHILDREN WHO NEED EMOTIONAL SUPPORT; AND

19 (II) BEEN TEAMED WITH A THERAPY DOG HANDLER.

20 (6) "THERAPY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED  
21 TRAINING ON:

22 (I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE  
23 PURPOSES FROM AN ORGANIZATION THAT INSURES, REGISTERS, OR CERTIFIES  
24 THERAPY DOGS AND THEIR HANDLERS; AND

25 (II) COURT PROTOCOL AND POLICIES, INCLUDING THE  
26 EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM AND HOW NOT TO INTERFERE  
27 WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

28 (B) (1) ON MOTION BY A PARTY IN A CRIMINAL PROCEEDING, THE COURT  
29 MAY ALLOW A FACILITY DOG OR THERAPY DOG TO ACCOMPANY A CHILD WITNESS  
30 WHILE THE CHILD WITNESS IS TESTIFYING.

1           **(2) THE MOTION SHALL INCLUDE:**

2                   **(I) THE FACILITY DOG'S OR THERAPY DOG'S CREDENTIALS;**

3                   **(II) PROOF THAT THE FACILITY DOG OR THERAPY DOG IS**  
4 **ADEQUATELY INSURED;**

5                   **(III) A STATEMENT THAT THE CHILD WITNESS AND THE FACILITY**  
6 **DOG OR THERAPY DOG HAVE ESTABLISHED A RELATIONSHIP IN ANTICIPATION OF**  
7 **TESTIMONY; AND**

8                   **(IV) A STATEMENT THAT THE FACILITY DOG'S OR THERAPY**  
9 **DOG'S PRESENCE IS EXPECTED TO REDUCE ANXIETY EXPERIENCED BY THE CHILD**  
10 **WITNESS WHILE TESTIFYING IN THE PROCEEDING.**

11           **(C) THE COURT MAY GRANT A HEARING ON A MOTION RECEIVED UNDER**  
12 **SUBSECTION (B) OF THIS SECTION.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2016.