

SENATE BILL 1618

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 16,
Chapter 1; Title 24, Chapter 1 and Title 40,
Chapter 17, relative to courthouse facility dogs.

WHEREAS, the purpose of this legislation is to facilitate the fact-finding process in criminal and civil proceedings through the use of a courthouse facility dog to assist witnesses in communicating information; and

WHEREAS, testifying in court can be a stressful and unfamiliar event, and certain at-risk witnesses, particularly children, victims of crimes, and persons with intellectual disabilities, have a greater risk of being negatively impacted and intimidated by the experience; and

WHEREAS, emotional stress as the result of testifying in court can interfere with the ability of a witness to communicate information, thereby reducing the effectiveness of the fact-finding process; and

WHEREAS, witnesses who are assisted by courthouse facility dogs during testimony exhibit reduced levels of stress and are more likely to communicate effectively; and

WHEREAS, courthouse facility dogs are professionally trained dogs from organizations accredited by Assistance Dogs International, a nonprofit organization that establishes the highest standards of training for the health, safety, welfare, work, and supervision of courthouse facility dogs and their handlers; and

WHEREAS, courthouse facility dogs are certified to be safe to persons and the public at large, provide unobtrusive emotional support to children and adults, and are capable of working without a leash in stressful environments; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) This section shall be known and may be cited as the "Courthouse Facility Dog Witness Support Act."

(b) In a criminal or civil proceeding, a court may authorize a witness providing testimony in the proceeding to be assisted during testimony by a courthouse facility dog, and may establish any conditions the court finds reasonable and appropriate regarding the assistance of the witness by a courthouse facility dog.

(c) In determining whether to authorize the use of a courthouse facility dog or establish any conditions on its use in accordance with subsection (b), a court may consider:

(1) The age of the witness;

(2) The nature of the witness's relationship to the events giving rise to the proceeding;

(3) Whether the witness suffers from any disability;

(4) The rights of the parties to the proceeding; and

(5) Any other factors that the court deems relevant in facilitating the effective communication of information by the witness and protecting the rights of the parties to the proceeding.

(d) As used in this section, unless the context otherwise requires, "courthouse facility dog" means a dog that has graduated from an assistance dog program conducted by an organization that is accredited by Assistance Dogs International and that is trained to provide a witness with a calming presence during the testimony of the witness without disrupting the proceeding.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.