

HOUSE BILL 311

D1, D2

0lr2085
CF SB 101

By: **Delegates Malone, Arian, and Ciliberti**

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Courts – Court Dog and Child Witness Program – Established**

3 FOR the purpose of establishing the Court Dog and Child Witness Program; providing that
4 the Program shall be in the circuit court of each county that participates in the
5 Program; providing that participation in the Program is voluntary; requiring a
6 participating court to adhere to certain procedures ~~and rules~~ adopted by the
7 Administrative Office of the Courts; establishing the purpose of the Program;
8 requiring the Administrative Office of the Courts to develop a plan to implement the
9 Program; requiring the Administrative Office of the Courts to establish requirements
10 that a party in a certain proceeding must follow; requiring the Administrative Office
11 of the Courts to make information about the Program publicly available; requiring
12 the Administrative Office of the Courts to adopt certain ~~rules~~ procedures; defining
13 certain terms; altering the termination date of the Court Dog and Child Witness Pilot
14 Program; and generally relating to the Court Dog and Child Witness Program.

15 BY adding to

16 Article – Courts and Judicial Proceedings

17 Section 9–501 to be under the new subtitle “Subtitle 5. Court Dog and Child Witness
18 Program”

19 Annotated Code of Maryland

20 (2013 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Chapter 467 of the Acts of the General Assembly of 2016, as amended by Chapter 196 of the Acts of the General Assembly of 2017 and Chapter 466 of the Acts of the General Assembly of 2019

Section 2

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

Article – Courts and Judicial Proceedings

SUBTITLE 5. COURT DOG AND CHILD WITNESS PROGRAM.

9–501.

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

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

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

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

(II) RECEIVED 2 YEARS OF TRAINING;

(III) PASSED ~~THE SAME~~ A PUBLIC ACCESS TEST ~~AS A~~ FOR SERVICE ~~DOG~~ DOGS; AND

(IV) BEEN TEAMED WITH A FACILITY DOG HANDLER.

(4) “FACILITY DOG HANDLER” MEANS A PERSON WHO HAS RECEIVED TRAINING ON:

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

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

(5) "PROGRAM" MEANS THE COURT DOG AND CHILD WITNESS PROGRAM.

(6) "THERAPY DOG" MEANS A DOG THAT HAS:

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

(II) BEEN TEAMED WITH A THERAPY DOG HANDLER; AND

(III) 1. GRADUATED FROM A PROGRAM OPERATED BY AN ORGANIZATION THAT REGISTERS OR CERTIFIES ASSISTANCE DOGS AND THEIR HANDLERS; OR

2. A. PASSED A PUBLIC ACCESS TEST FOR SERVICE DOGS; AND

B. BEEN SPECIALLY TRAINED TO PROVIDE EMOTIONAL SUPPORT TO WITNESSES TESTIFYING IN JUDICIAL PROCEEDINGS WITHOUT CAUSING A DISTRACTION.

(7) "THERAPY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED TRAINING ON:

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

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

(B) (1) THERE IS A COURT DOG AND CHILD WITNESS PROGRAM.

(2) THE PROGRAM SHALL BE IN THE CIRCUIT COURT OF EACH COUNTY THAT PARTICIPATES IN THE PROGRAM.

(3) PARTICIPATION IN THE PROGRAM SHALL BE VOLUNTARY.

(4) A PARTICIPATING COURT SHALL ADHERE TO THE PROCEDURES ~~ESTABLISHED AND RULES~~ ADOPTED IN ACCORDANCE WITH THIS SECTION BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A FACILITY DOG OR THERAPY DOG TO A CHILD WITNESS IN ANY CIRCUIT COURT PROCEEDING OR OTHER RELATED COURT PROCESS, MEETING, OR INTERVIEW IN THE STATE, INCLUDING:

(1) AN IN CAMERA REVIEW OR OTHER INTERACTION WITH A JUDGE OR A MAGISTRATE;

(2) A MEETING WITH AN ATTORNEY, BEST INTEREST ATTORNEY, PRIVILEGE ATTORNEY, OR OTHER SPECIALIZED ATTORNEY; OR

(3) A MEETING WITH A CUSTODY EVALUATOR.

(D) TO ACCOMPLISH THE PURPOSE OF THE PROGRAM, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

(1) DEVELOP A PLAN TO IMPLEMENT THE PROGRAM;

(2) ESTABLISH THE PROCEDURES THAT A PARTY IN A COURT PROCEEDING MUST FOLLOW TO REQUEST THAT A THERAPY DOG AND THERAPY DOG HANDLER OR FACILITY DOG AND FACILITY DOG HANDLER ASSIST A CHILD WITNESS; AND

(3) ENSURE THAT THE DETAILS OF THE PROGRAM ARE PUBLICLY AVAILABLE.

(E) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT ~~RULES~~ PROCEDURES TO IMPLEMENT THIS SECTION.

Chapter 467 of the Acts of 2016, as amended by Chapter 196 of the Acts of 2017 and Chapter 466 of the Acts of 2019

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of [5] 4 years and, at the end of September 30, [2021] 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.