

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

A BILL ENTITLED

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; defining certain terms;
13 altering the termination date of the Court Dog and Child Witness Pilot Program; and
14 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,

22 Chapter 467 of the Acts of the General Assembly of 2016, as amended by Chapter
23 196 of the Acts of the General Assembly of 2017 and Chapter 466 of the Acts
24 of the General Assembly of 2019
25 Section 2

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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;

(II) RECEIVED 2 YEARS OF TRAINING;

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

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

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

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

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

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

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

13 (3) PARTICIPATION IN THE PROGRAM SHALL BE VOLUNTARY.

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

17 (C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A FACILITY DOG OR
18 THERAPY DOG TO A CHILD WITNESS IN ANY CIRCUIT COURT PROCEEDING IN THE
19 STATE.

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

22 (1) DEVELOP A PLAN TO IMPLEMENT THE PROGRAM;

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

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

29 (E) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT RULES TO

1 **IMPLEMENT THIS SECTION.**

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

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

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