

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1855

5 By: Representative Petty
6 By: Senator D. Sanders
7

For An Act To Be Entitled

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

18 TO BE KNOWN AS "THE COURTHOUSE DOGS CHILD
19 WITNESS SUPPORT ACT".
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 16, Chapter 43, Subchapter 10, is
26 amended to add an additional section to read as follows:

27 16-43-1002. Certified facility dogs for child witnesses.

28 (a) As used in this section:

29 (1) "Certified facility dog" means a dog that is adequately
30 trained, evaluated, and assessed for skill and aptitude to safely and
31 effectively offer assistance to a child witness in a criminal trial or
32 hearing and that is a member in good standing of an organization that
33 registers or certifies animals for assistance purposes such as Assistance
34 Dogs International, the American Kennel Club, Therapy Dogs Incorporated, or
35 an equivalent organization to perform the duties associated with
36 assistance dogs in places such as courtrooms, hospitals, nursing homes, and



1 other facilities where the benefits of assistance dogs are recognized;

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

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

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

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

24 (1) The credentials of the certified facility dog;

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

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

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

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

34 (e) In the course of jury selection, with the court's approval under
35 Rule 32.2 of the Arkansas Rules of Criminal Procedure, either party may voir
36 dire prospective jury members on whether the presence of a certified facility

1 dog to assist a child witness would create undo sympathy for the child
2 witness or in any way serve as a prejudice to the defendant.

3 (f) In a criminal trial involving a jury in which the certified
4 facility dog is utilized, the court shall present a jury instruction which
5 shall read as follows:

6 “Testifying in court is an unfamiliar and stressful event for most
7 people and especially children. In recognition, Arkansas Code § 16-43-1002
8 mandates that upon a request by either party and if a certified facility dog
9 is available within the jurisdiction of the judicial district in which the
10 criminal case is being adjudicated, the child witness shall be afforded the
11 opportunity to have a certified facility dog accompany him or her while
12 testifying in court for the purpose of mitigating anxiety. The certified
13 facility dog is available to any child witness and you should not allow the
14 presence of the certified facility dog to create undo sympathy for the child
15 witness or in any way serve as a prejudice to the defendant.”

16 (g) The Administrative Office of the Courts shall promulgate rules to
17 implement this section.

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