

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

As Engrossed: S3/23/15

A Bill

HOUSE BILL 1855

5 By: Representative Petty
6 By: Senators D. Sanders, *Hester, Rapert*
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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 has:

30 (A) Graduated from a program of an assistance dog organization
31 that is a member of Assistance Dogs International or a similar nonprofit
32 organization that attempts to set the highest standard of training for dogs
33 for the purpose of reducing stress in a child witness by enhancing the
34 ability of the child witness to speak in a judicial proceeding by providing
35 emotional comfort in a high stress environment;

36 (B) Received two (2) years of training; and



1 (C) Passed the same public access test as a service dog;

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;

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

28 (4) That the presence of the certified facility dog may reduce
29 anxiety experienced by the child witness while testifying in the criminal
30 trial or hearing.

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

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

1 (e) In the course of jury selection, with the court's approval under
2 Rule 32.2 of the Arkansas Rules of Criminal Procedure, either party may voir
3 dire prospective jury members on whether the presence of a certified facility
4 dog to assist a child witness would create undo sympathy for the child
5 witness or in any way serve as a prejudice to the defendant.

6 (f) In a criminal trial involving a jury in which the certified
7 facility dog is utilized, the court shall present appropriate jury
8 instructions that are designed to prevent prejudice for or against any party.

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10 /s/Petty
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