

Amendment to HB 513

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to allowing the use of facility dogs for therapeutic purposes in proceedings
4 involving children or certain other persons.
5

6 Amend the bill by replacing section 1 with the following:

7
8 1 New Section; Facility Dogs; Victim and Witness Testimony. Amend RSA 516 by inserting
9 after section 7-a the following new section:

10 516:7-b Facility Dogs; Victim and Witness Testimony.

11 I. In this section:

12 (a) "Facility dog" means a dog that has:

13 (1) Graduated from a program offered by an assistance dog organization that is a
14 member of Assistance Dogs International or a similar nonprofit organization that sets the highest
15 standard of training for dogs for the purpose of reducing stress in a victim or witness under the age
16 of 18, a person who has an intellectual disability, a victim of a sexual offense, or a witness to a
17 sexual offense, by enhancing the ability of such victim or witness to speak in a judicial proceeding by
18 providing emotional comfort in a high stress environment; and

19 (2) Received training from an organization described in subparagraph (1).

20 (b) "Certified handler" means a person who has received training from an organization
21 accredited by Assistance Dogs International, the American Kennel Club, Therapy Dogs,
22 Incorporated, or an equivalent organization which offers the person's animal for assistance purpose
23 and has received additional training on the protocols and policies of courts, the expected roles of the
24 person's animal assistance team, and the expected interaction so as not to interfere with the
25 collection of evidence or the effective administration of justice.

26 II. When taking the testimony of a victim or witness under the age of 18, a person who has
27 an intellectual disability, a victim of a sexual offense, or a witness to a sexual offense, the court may
28 allow the use of a facility dog in any proceeding involving a sexual offense, child abuse,
29 abandonment, or neglect. When considering whether to allow a victim or witness under the age of
30 18, a person who has intellectual disability, a victim of a sexual offense, or a witness to a sexual
31 offense to testify with the assistance of a facility dog, the court shall consider the current age of the
32 victim or witness, the age of the victim or witness when the offense occurred, the interests of the

Amendment to HB 513
- Page 2 -

1 victim or witness, the rights of the parties to the litigation, and any other factor the court deems
2 relevant to the issue of whether the victim or witness should be afforded access to a therapy or
3 facility dog when testifying.

4 III. Subject to the New Hampshire rules of civil procedure, New Hampshire rules of
5 evidence, or other rule of the supreme court, if requested by either party in a criminal trial or
6 hearing and if a facility dog is available within the jurisdiction of the judicial district in which the
7 criminal case is being adjudicated, a victim or witness under the age of 18, a person who has an
8 intellectual disability, a victim of a sexual offense, or a witness to a sexual offense, shall be afforded
9 the opportunity to have a facility dog accompany him or her while testifying in court.

10 IV. Before the introduction of a facility dog into the courtroom and outside the presence of
11 the jury, the party desiring to utilize a facility dog shall file a motion certifying to the court the
12 following information:

13 (a) The credentials of the facility dog;

14 (b) That the facility dog is adequately insured;

15 (c) That a relationship has been established between the victim or witness under the age
16 of 18, a person who has an intellectual disability, a victim of a sexual offense, or a witness to a
17 sexual offense, and the facility dog in anticipation of testimony; and

18 (d) That the presence of the facility dog may reduce anxiety experienced by the victim or
19 witness under the age of 18, a person who has an intellectual disability, a victim of a sexual offense,
20 or a witness to a sexual offense, while testifying in the criminal trial or hearing.

21 V.(a) If the court grants the motion under paragraph IV, the facility dog shall be
22 accompanied by the certified handler of the facility dog to the witness stand with the witness in the
23 absence of the jury.

24 (b) The jury shall be seated subsequent to the witness and facility dog taking their
25 places in the witness stand.

26 (c) In the course of jury selection, with the court's approval under rules of the New
27 Hampshire rules of criminal procedure, either party may voir dire prospective jury members on
28 whether the presence of a facility dog to assist a victim or witness under the age of 18, a person who
29 has an intellectual disability, a victim of a sexual offense, or a witness to a sexual offense, would
30 create undue sympathy for the child witness or in any way serve as a prejudice to the defendant.

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

Amendment to HB 513
- Page 3 -

2019-2710h

AMENDED ANALYSIS

This bill defines and allows the use of facility dogs in certain court proceedings involving children or certain other persons.