
SENATE BILL 5551

State of Washington **66th Legislature** **2019 Regular Session**

By Senators Dhingra, Palumbo, Das, Kuderer, Wellman, and Van De Wege

Read first time 01/23/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to courthouse facility dog assistance for
2 testifying witnesses; and adding a new section to chapter 10.52 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.52
5 RCW to read as follows:

6 (1) Courts are authorized to permit a courthouse facility dog for
7 use by witnesses in any judicial proceeding.

8 (2) Courts with an available courthouse facility dog must allow a
9 witness under eighteen years of age, or who has a developmental
10 disability as defined in RCW 71A.10.020, to use a courthouse facility
11 dog to accompany them while testifying in court.

12 (3) Courts may allow any witness who does not meet the criteria
13 in subsection (2) of this section to use a courthouse facility dog,
14 if available, to accompany them while testifying in court.

15 (4) Before the introduction of a courthouse facility dog into the
16 courtroom and outside the presence of the jury, the party desiring to
17 use the assistance of a courthouse facility dog must file a motion
18 setting out: (a) The credentials of the courthouse facility dog; (b)
19 that the courthouse facility dog is adequately insured; (c) that a
20 relationship has been established between the witness and the
21 courthouse facility dog in anticipation of testimony; and (d) reasons

1 why the courthouse facility dog is necessary to facilitate the
2 witness's testimony.

3 (5) Upon a finding that the presence of a courthouse facility dog
4 is necessary to facilitate a witness's testimony, the witness must be
5 afforded the opportunity to have a courthouse facility dog accompany
6 the witness while testifying, if a courthouse facility dog and
7 certified handler are available within the jurisdiction of the court
8 in which the proceeding is held.

9 (6) If the court grants the motion filed under subsection (4) of
10 this section, the certified handler must be present in the courtroom
11 to advocate for the facility dog as necessary. The courthouse
12 facility dog performing this service should be trained to accompany
13 the witness to the stand without being attached to the certified
14 handler by a leash and lie on the floor out of view of the jury while
15 the witness testifies.

16 (7) In a jury trial, the following provisions apply:

17 (a) In the course of jury selection, either party may, with the
18 court's approval, voir dire prospective jury members on whether the
19 presence of a courthouse facility dog to assist a witness would
20 create undue sympathy for the witness or cause prejudice to a party
21 in any other way.

22 (b) To the extent possible, the court shall ensure that the jury
23 will be unable to observe the facility dog prior to, during, and
24 subsequent to the witness's testimony.

25 (c) On request of either party, the court shall present
26 appropriate jury instructions that are designed to prevent any
27 prejudice that might result from the presence of the courthouse
28 facility dog before the witness testifies and at the conclusion of
29 the trial.

30 (8) Courts may adopt rules for the use of a courthouse facility
31 dog authorized under this section.

32 (9) For purposes of this section:

33 (a) "Certified handler" means a person who (i) was trained to
34 handle the courthouse facility dog by the assistance dog organization
35 that placed the dog and (ii) is a professional working in the legal
36 system who is knowledgeable about its practices.

37 (b) "Courthouse facility dog" means a dog that: (i) Has graduated
38 from a program of an assistance dog organization that is accredited
39 by assistance dogs international or a comparable and internationally
40 recognized organization whose main purpose is to grant accreditation

1 to assistance dog organizations based on standards of excellence in
2 all areas of assistance dog acquisition, training of the dogs and
3 their handlers, and placement; and (ii) was specially selected to
4 provide services in the legal system to provide quiet companionship
5 to witnesses during stressful legal proceedings thereby enabling them
6 to better engage with the process.

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