

FINAL BILL REPORT

SHB 1077

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Synopsis as Enacted

Brief Description: Concerning courthouse facility dogs.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman and Santos).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

Courts are authorized to permit courthouse facility dogs in any judicial proceedings and adopt rules for the use of such dogs. A courthouse facility dog is a dog that: (1) has graduated from an accredited program; and (2) provides services in the legal system to provide quiet companionship to witnesses during stressful legal proceedings.

Courts with an available courthouse facility dog must allow a witness under 18 or who has a developmental disability to be accompanied by a courthouse facility dog. Courts may allow any other witness to be accompanied by a courthouse facility dog.

A party desiring the assistance of a courthouse facility dog must file a motion setting out: (1) the credentials of the dog; (2) that the dog is adequately insured; (3) that a relationship has been established between the witness and the dog in anticipation of testimony; and (4) reasons why the dog is necessary to facilitate the witness's testimony. Upon a finding that the presence of a courthouse facility dog is necessary to facilitate a witness's testimony, the witness must be afforded the opportunity to have a courthouse facility dog accompany the witness while testifying if a courthouse facility dog and certified handler are available within the jurisdiction of the court in which the proceeding is held.

A certified handler must be present in the courtroom with a courthouse facility dog. A certified handler is a person who: (1) was trained to handle the courthouse facility dog by the assistance dog organization that placed the dog; and (2) is a professional working in the

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legal system who is knowledgeable about its practices. The courthouse facility dog should be trained to accompany the witness to the stand without being attached to the certified handler by a leash and to lie on the floor out of view of the jury while the witness testifies.

In a jury trial, during the course of jury selection and with the court's approval, either party may question prospective jurors on whether the presence of a courthouse facility dog would create undue sympathy or prejudice. To the extent possible, the court must ensure the jury cannot observe the courthouse facility dog prior to, during, or after witness testimony. On request, the court must provide a jury instruction designed to prevent any prejudice from the presence of the courthouse facility dog.

Summary:

Legal Authority and Standard.

Courts are authorized to exercise discretion in permitting a courthouse facility dog to be used in any judicial proceeding, but must continue to allow a witness who is under 18 or who has a developmental disability to use a courthouse facility dog if the courthouse has one available.

A motion for a court to permit the use of a courthouse facility dog must set out the reasons why the courthouse facility dog would help reduce the witness's anxiety and elicit the witness's testimony. A motion for use of a courthouse facility dog may be filed in writing or made orally before the court.

When a court finds the circumstances warrant the presence of a courthouse facility dog, the court must state the basis for its decision on the record. The witness should be afforded the opportunity to have a courthouse facility dog accompany the witness while testifying if a courthouse facility dog and certified handler are available within the jurisdiction of the court.

Courthouse Facility Dog Access.

A courthouse facility dog accompanied by a certified handler is expressly authorized to access: (1) any courthouse; (2) any location where the courthouse facility dog and certified handler provide services, participate in administrative activities of the courthouse facility dog program, engage in community outreach, or participate in training activities; (3) any location related to a law enforcement investigation where law enforcement requests their presence; and (4) matters pending in the civil or criminal justice system. Authorized locations include places of public accommodation, all modes of public transportation, children's advocacy centers, schools, day care facilities, law enforcement agencies, prosecutors' offices, attorneys' offices, medical facilities, specialty courts, and court-appointed special advocates and guardian ad litem program offices.

Courthouse Facility Dog Handler Identification.

Accredited assistance dog organizations must issue identification cards to handlers they

train and certify. Identification cards must state the handler's full name, the name and contact information of the organization that trained and certified the handler, and the locations courthouse dogs are authorized to access when accompanied by a handler. Certified handlers may be asked to show their identification card to establish that they are a certified handler and that a courthouse facility dog they are accompanying is authorized to access a location.

Courthouse Facility Dog and Handler Requirements.

In addition to existing requirements, a courthouse facility dog:

- must demonstrate continued proficiency in providing safe and reliable services through ongoing training;
- must provide quiet companionship to witnesses and potential witnesses during stressful interviews, examinations, meetings, and other encounters associated with a law enforcement investigation, and legal proceedings; and
- must travel as needed with a certified handler as a team to and from authorized locations for training, community outreach, and other purposes associated with the operations of a courthouse facility dog program.

In addition to existing requirements, a certified handler:

- must be trained to handle a courthouse facility dog by an accredited assistance dog organization; and
- must be a professional working in the legal system who is knowledgeable about its practices including, but not limited to, victim advocates, forensic interviewers, detectives, prosecuting attorneys, and guardians ad litem.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: July 23, 2023