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SENATE BILL NO. 420

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend the Code of Virginia by adding a section numbered 18.2-67.9:1, relating to witness testimony accompanied by certified facility dogs.

Patrons—McDougle and McClellan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-67.9:1 as follows:

§ 18.2-67.9:1. Use of a certified facility dog for testimony in a criminal proceeding.

A. As used in this section, "certified facility dog" means a dog that has completed training or been certified from a program of an assistance dog organization to perform the duties of providing emotional support to people in high-stress environments and that is accompanied by a duly trained handler.

B. In any criminal proceeding, including preliminary hearings, involving an alleged violation of this article or of the laws pertaining to murder pursuant to § 18.2-31 or 18.2-32, voluntary manslaughter pursuant to § 18.2-35, kidnapping pursuant to Article 3 (§ 18.2-47 et seq.), malicious wounding pursuant to § 18.2-51, aggravated malicious wounding pursuant to § 18.2-51.2, family offenses pursuant to Article 4 (§ 18.2-362 et seq.) of Chapter 8, or child cruelty pursuant to § 40.1-103, the attorney for the Commonwealth or the defendant may apply for an order from the court allowing a certified facility dog to be present with a witness testifying before the court through in-person testimony or testimony televised by two-way closed-circuit television pursuant to § 18.2-67.9.

C. The court may enter an order authorizing a dog to accompany a witness while testifying at a hearing in accordance with subsection B if the court finds by a preponderance of the evidence that:

- 1. The dog to be used qualifies as a certified facility dog;
- 2. There is an established relationship between the testifying witness and the proposed certified facility dog; and
- 3. The use of a certified facility dog will aid the witness in providing his testimony.

D. The party seeking such order shall apply for the order at least 14 days before the preliminary hearing, trial date, or other hearing to which the order is to apply.

E. Nothing contained in this section shall prevent the court from providing any other accommodations to a witness as provided by law.

INTRODUCED

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