

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 420]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 18.2-67.9:1. Use of a certified facility dog for testimony in a criminal proceeding.**

9 A. As used in this section, "certified facility dog" means a dog that (i) has completed training and
10 been certified by a program accredited by Assistance Dogs International or by another assistance dog
11 organization that is a member of an organization whose main purpose is to improve training, placement,
12 and utilization of assistance dogs and (ii) is accompanied by a duly trained handler.

13 B. In any criminal proceeding, including preliminary hearings, the attorney for the Commonwealth
14 or the defendant may apply for an order from the court allowing a certified facility dog to be present
15 with a witness testifying before the court through in-person testimony or testimony televised by two-way
16 closed-circuit television pursuant to § 18.2-67.9.

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

- 19 1. The dog to be used qualifies as a certified facility dog;
- 20 2. The use of a certified facility dog will aid the witness in providing his testimony; and
- 21 3. The presence and use of the certified facility dog will not interfere with or distract from the
22 testimony or proceedings.

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

25 E. The court may make such orders as necessary to preserve the fairness of the proceeding,
26 including imposing restrictions on and instructing the jury regarding the presence of the certified facility
27 dog during the proceedings.

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