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**SENATE BILL NO. 420**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on January 22, 2018)

(Patron Prior to Substitute—Senator McDougle)

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.*

**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 and been certified by a program accredited by Assistance Dogs International and that is accompanied by a duly trained handler.*

B. *In any criminal proceeding, including preliminary hearings, 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. The use of a certified facility dog will aid the witness in providing his testimony; and*

*3. The presence and use of the certified facility dog will not interfere or distract from the testimony or proceedings.*

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.*