

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0934.01 Jacob Baus x2173

HOUSE BILL 19-1220

HOUSE SPONSORSHIP

Sullivan,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A COURT FACILITY DOG TO ACCOMPANY A**
102 **WITNESS DURING TESTIMONY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a court, upon motion of a party or upon its own motion, to allow a witness to testify during criminal proceedings while accompanied by a court facility dog.

The bill requires a court facility dog to have graduated from training in providing support to witnesses testifying during proceedings without causing a distraction during proceedings. The training must be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

provided by a properly accredited organization.

The bill requires the court to instruct the jury on the role of the court facility dog so that the presence of the court facility dog does not improperly influence the jury.

The bill clarifies that nothing in the bill precludes or interferes with the rights of a qualified individual with a disability who is accompanied by a service animal pursuant to state or federal law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-10-404 as
3 follows:

4 **16-10-404. Use of a court facility dog - definitions.** (1) AS USED
5 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "COURT FACILITY DOG" MEANS A DOG THAT IS A GRADUATE OF
7 AN ASSISTANCE DOG ORGANIZATION THAT IS ACCREDITED BY AN
8 INTERNATIONALLY RECOGNIZED ORGANIZATION WHOSE MAIN PURPOSE IS
9 TO GRANT ACCREDITATION TO ASSISTANCE DOG ORGANIZATIONS BASED
10 ON STANDARDS OF EXCELLENCE IN ALL AREAS OF ASSISTANCE DOG
11 ACQUISITION, TRAINING, AND PLACEMENT. A "COURT FACILITY DOG" MUST
12 BE SPECIALLY TRAINED TO PROVIDE SUPPORT TO WITNESSES TESTIFYING
13 IN PROCEEDINGS WITHOUT CAUSING A DISTRACTION.

14 (b) "CRIMINAL PROCEEDING" OR "CRIMINAL PROCEEDINGS" HAS
15 THE SAME MEANING AS SET FORTH IN SECTION 16-8.5-101 (7).

16 (c) "QUALIFIED INDIVIDUAL WITH A DISABILITY" HAS THE SAME
17 MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES
18 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED
19 AMENDMENTS AND IMPLEMENTING REGULATIONS.

20 (d) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN
21 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ.

2 (2) (a) THE COURT MAY, UPON MOTION OF A PARTY OR UPON ITS
3 OWN MOTION, ORDER THAT THE WITNESS'S TESTIMONY BE OFFERED WHILE
4 THE WITNESS IS ACCOMPANIED BY A COURT FACILITY DOG IN THE
5 COURTROOM OR UPON THE WITNESS STAND IF:

6 (I) THE TESTIMONY IS TAKEN DURING A CRIMINAL PROCEEDING;

7 (II) THE JUDGE DETERMINES THAT THE ACCOMPANIMENT OF A
8 COURT FACILITY DOG WITH THE WITNESS DURING THE WITNESS'S
9 TESTIMONY WOULD REDUCE THE WITNESS'S ANXIETY OR ENHANCE THE
10 ABILITY OF THE COURT TO RECEIVE FULL AND ACCURATE TESTIMONY; AND

11 (III) ARRANGEMENTS FOR AN AVAILABLE COURT FACILITY DOG
12 DURING THE WITNESS'S TESTIMONY WOULD NOT INTERFERE WITH
13 EFFICIENT CRIMINAL PROCEEDINGS.

14 (b) TO OBTAIN AN ORDER AUTHORIZING THE USE OF A COURT
15 FACILITY DOG DURING THE WITNESS'S TESTIMONY, THE PARTY MUST FILE
16 A WRITTEN MOTION WITH THE COURT NO LESS THAN FOURTEEN DAYS
17 PRIOR TO THE CRIMINAL PROCEEDING.

18 (3) NOTWITHSTANDING A JUDGE'S ORDER GRANTING THAT THE
19 WITNESS'S TESTIMONY MAY BE OFFERED WHILE THE WITNESS IS
20 ACCOMPANIED BY A COURT FACILITY DOG PURSUANT TO SUBSECTION
21 (2)(a) OF THIS SECTION, THE JUDGE HAS THE AUTHORITY TO TERMINATE
22 THE ACCOMPANIMENT OF A COURT FACILITY DOG AT ANY TIME PRIOR TO,
23 OR DURING, THE WITNESS'S TESTIMONY.

24 (4) TO ENSURE THAT THE PRESENCE OF A COURT FACILITY DOG
25 ACCOMPANYING A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A
26 REFLECTION ON THE TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED
27 BY A WITNESS, THE COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE

1 COURT FACILITY DOG AND THAT THE COURT FACILITY DOG IS A TRAINED
2 ANIMAL.

3 (5) NOTHING IN THIS SECTION PRECLUDES OR INTERFERES WITH
4 THE RIGHTS OF A QUALIFIED INDIVIDUAL WITH A DISABILITY WHO IS
5 ACCOMPANIED BY A SERVICE ANIMAL PURSUANT TO STATE OR FEDERAL
6 LAW.

7 **SECTION 2. Effective date.** This act takes effect July 1, 2019,
8 and applies to trial proceedings occurring on or after said date.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.