

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1071
By: Harris et al. (Whitmire)
Criminal Justice
5/4/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The prevalence of therapy dogs in courtrooms has increased in recent years as a means of helping traumatized victims who, over the course of giving witness testimony, may experience anxiety. In 2019, a federal law was introduced and passed in the senate to allow certified facility dogs into federal courtrooms for that purpose. However, facility or therapy animals are not allowed in any state courtrooms in Texas.

H.B. 1071 seeks to authorize the presence of a qualified facility dog or qualified therapy animal in certain court proceedings to help support Texans and help witnesses feel safe while supporting the justice system.

The bill amends the Government Code to authorize a party to an action filed in a court in Texas to petition the court for an order authorizing a qualified facility dog or qualified therapy animal to be present with a witness who is testifying before the court through in-person testimony or closed-circuit video teleconferencing testimony.

The bill provides the following with respect to such authorization:

- the court may enter such an order if the presence of the dog or animal will assist the witness in providing testimony and the party petitioning for the order provides proof of liability insurance coverage in effect for the dog or animal;
- the applicable party must petition the court for the order not later than the 14th day before the date of the court proceeding;
- the court may impose restrictions on the presence of the qualified facility dog or qualified therapy animal during the court proceeding and issue instructions to the jury, as applicable, regarding the presence of the dog or animal; and
- a handler who is trained to manage the qualified facility dog or qualified therapy animal must accompany the dog or animal provided for a witness at a court proceeding. The bill defines "qualified facility dog" and "qualified therapy animal" as follows, respectively:
 - as a dog that is a graduate of a program operated by an assistance dog organization that is a member of a nationally recognized assistance dog association; and
 - as an animal that successfully completes a program operated by an organization that registers, insures, or certifies a therapy animal and the animal's handler as meeting or exceeding the standards of practice in animal-assisted interventions.

If passed, the effective date would be September 1, 2021.

(Original Author's / Sponsor's Statment of Intent)

C.S.H.B. 1071 amends current law relating to the presence of a qualified facility dog in certain court proceedings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21, Government Code, by adding Section 21.012, as follows:

Sec. 21.012. PRESENCE OF QUALIFIED FACILITY DOG IN COURT PROCEEDING. (a) Defines "qualified facility dog."

(b) Authorizes any party to an action filed in a court in this state in which a proceeding related to the action will be held to petition the court for an order authorizing a qualified facility dog to be present with a witness who is testifying before the court through in-person testimony or closed-circuit video teleconferencing testimony.

(c) Authorizes the court to enter an order authorizing a qualified facility dog to accompany a witness testifying at the court proceeding if:

(1) the presence of the dog will assist the witness in providing testimony; and

(2) the party petitioning for the order provides proof of liability insurance coverage in effect for the dog.

(d) Requires a handler who is trained to manage the qualified facility dog to accompany the dog provided for a witness at a court proceeding.

(e) Requires a party to the action to petition the court for an order under Subsection (b) not later than the 14th day before the date of the court proceeding.

(f) Authorizes a court to impose restrictions on the presence of the qualified facility dog during the court proceeding and issue instructions to the jury, as applicable, regarding the presence of the dog.

SECTION 2. Effective date: September 1, 2021.