

1 HB393
2 183859-1
3 By Representative Grimsley
4 RFD: Public Safety and Homeland Security
5 First Read: 09-MAR-17

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8 SYNOPSIS: Under existing law, service dogs for people
9 with disabilities are permitted in public areas.

10 This bill would allow for the use of a
11 registered therapy dog, as defined, in legal
12 proceedings when permitted by the judge to assist a
13 victim or witness, to reduce unnecessary emotional
14 distress experience by a victim or witness and
15 allow full and factual testimony.

16 This bill would authorize a judge to use
17 discretionary funds to offset the costs for a
18 registered handler of a registered therapy dog used
19 in a legal proceeding.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 To allow for the use of a registered therapy dog in
26 certain legal proceedings involving a witness or victim when
27 permitted by the judge; to provide for the definition and

1 criteria of a registered therapy dog and a registered handler;
2 and to allow a judge to use discretionary funds to offset the
3 costs for a handler of a registered therapy dog used in a
4 legal proceeding.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. For purposes of this act, the following
7 terms shall have the following meanings:

8 (1) ACTIVE MEMBER. Therapy dog teams who have had
9 recorded visits at facilities including hospitals, nursing
10 homes, libraries, and extended care facilities in the past 18
11 months.

12 (2) REGISTERED HANDLER. A volunteer registered by
13 the court system as a therapy dog handler who has not been
14 convicted of sexual, animal, or domestic abuse or any felony,
15 who has been registered by a qualifying therapy dog
16 organization, and has taken an oath of confidentiality. An
17 officer of the court may be a handler only if there is no
18 expense to the state.

19 (3) REGISTERED THERAPY DOG. a. A trained emotional
20 support dog that has been tested and registered by a nonprofit
21 therapy dog organization that sets standards and requirements
22 for the health, welfare, task work, and oversight for therapy
23 dogs and their handlers, including at a minimum, all of the
24 following:

25 1. A current annual certificate of health from an
26 Alabama veterinarian on a form designed by the nonprofit
27 therapy dog organization.

1 2. Markings identifying the dog as a therapy dog
2 while working.

3 3. An identification card or badge to be prominently
4 displayed on the handler.

5 4. A minimum of 18 months of recorded visits in
6 institutions such as hospitals, libraries, and nursing homes
7 providing therapy and emotional support to people of all ages,
8 and must have passed a test administered by a nonprofit
9 therapy dog organization demonstrating the dog and handler are
10 qualified to access public buildings and interact with the
11 public.

12 5. Proof of liability insurance in the minimum
13 amount of fifty thousand dollars (\$50,000) for each therapy
14 dog working in the court system which may be provided through
15 a nonprofit therapy dog organization.

16 b. Notwithstanding the requirements of paragraph a.,
17 a handler with a dog having the appropriate temperament may be
18 tested by a certified Alabama law enforcement canine officer
19 with a minimum of two years experience for the ability to be
20 registered as a therapy dog for use in certain legal
21 proceedings.

22 (4) THERAPY DOG ORGANIZATION. A nationally
23 registered 501(c)(3) nonprofit therapy dog organization that
24 has been continuously active for a minimum of three years as a
25 therapy dog organization with at least 100 active therapy dog
26 teams nationwide and with active members in Alabama.

1 Section 2. (a) In a legal proceeding, to reduce the
2 stress of the witness and to enhance the ability of the court
3 to obtain full and accurate testimony, the court may allow a
4 registered therapy dog to accompany a victim or witness while
5 testifying, in depositions, or in initial interviews of the
6 defendant if requested, and if a registered therapy dog is
7 available.

8 (b) If the court, in its sole discretion, grants the
9 use of a registered therapy dog, the registered therapy dog
10 shall be accompanied by a registered handler who has received
11 instruction from the district attorney's office on the
12 protocols and policies of legal proceedings for that circuit
13 and the role of the registered therapy dog and registered
14 handler to assure there is no interference with the collection
15 of evidence and testimony or the administration of justice.

16 (c) If a jury has been empaneled in the legal
17 proceeding, the registered therapy dog shall be accompanied by
18 the registered handler to the witness stand with the witness
19 outside of the presence of the jury and the registered handler
20 shall remain nearby. Subsequently, the jury shall be seated
21 and the court shall inform the jury of the presence of the
22 registered therapy dog and instruct the jury that the presence
23 of a registered therapy dog should not create any prejudice to
24 any party.

25 (d) Subject to the Alabama Rules of Criminal
26 Procedure, if requested by either party in a legal proceeding,

1 the court may examine and confirm the credentials of the
2 registered therapy dog and registered handler.

3 (e) Registered therapy dogs and handlers shall not
4 be dismissed from any therapy dog organization for following
5 the rules and procedures in this act or those set by the
6 court.

7 Section 3. A judge may award costs from the judge's
8 discretionary fund to the registered handler to offset some of
9 the financial cost of using the dog in legal proceedings.

10 Section 4. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.