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**SENATE BILL 5127**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick, and Wilson, C.

Prefiled 01/08/21. Read first time 01/11/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to courthouse facility dogs; amending RCW  
2 10.52.110; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that questioning  
5 child or adult witnesses about a traumatic event in their lives can  
6 trigger an acute emotional response. The trigger makes them feel or  
7 behave the same way they did during or immediately after the  
8 traumatic event because the brain may not differentiate what happened  
9 then from what is going on around them now. These triggers can cause  
10 an immediate emotional response that bypasses the reasoning part of  
11 our brains, resulting in sudden or unexplained bouts of crying; fear,  
12 paranoia, or anxiety; panic attacks; and sudden physical symptoms  
13 such as nausea or fatigue. For children and adults, traumatic events  
14 and the responses that result often interfere with their ability to  
15 respond to questions or testify in court about traumatic events they  
16 have experienced or witnessed.

17 The legislature finds that children are particularly susceptible  
18 to adverse effects of exposure to trauma. Children may undergo  
19 secondary trauma when they participate in investigation and  
20 prosecution of crimes and other stressful legal proceedings. The  
21 American academy of pediatrics advises ongoing psychosocial support

1 for children to address the adverse effects of the traumatic event  
2 and their experience recounting it during the legal process. The  
3 American academy of pediatrics identifies assistance from courthouse  
4 facility dogs as an effective psychosocial support intervention for  
5 children participating in legal proceedings.

6 The legislature finds that courthouse facility dog programs in  
7 our state are innovative community-based interventions. The  
8 courthouse facility dog's calm companionship reduces a traumatized  
9 child's anxiety, prevents recurrent trauma, and supports the child's  
10 ability to respond to questions and information requests during  
11 investigations and subsequent court processes, and may hasten their  
12 recovery from this experience. Likewise, the courthouse facility dog  
13 program is an effective intervention for persons who have  
14 developmental disabilities, adults who experienced childhood trauma,  
15 and other vulnerable people who could have difficulty engaging with  
16 the legal process.

17 The legislature finds that multiple visits between a potential  
18 witness and the courthouse facility dog and handler may be needed to  
19 establish the relationship supporting an order for the courthouse  
20 facility dog's presence in court during testimony. Courthouse  
21 facility dogs and their handlers require access to locations outside  
22 the courthouse for meetings with potential witnesses or other  
23 activities associated with the courthouse facility dog program's  
24 operations. The law does not expressly authorize access for the dog  
25 and handler to noncourthouse locations or public transportation.  
26 Therefore, the legislature intends to authorize expanded access for  
27 courthouse facility dogs and their handlers to locations outside  
28 courthouses and to modes of public transportation to provide this  
29 service.

30 **Sec. 2.** RCW 10.52.110 and 2019 c 398 s 1 are each amended to  
31 read as follows:

32 (1) Courts are authorized to (~~permit~~) exercise discretion  
33 permitting a courthouse facility dog (~~for use by witnesses~~) to be  
34 used in any judicial proceeding.

35 (2) Courts with an available courthouse facility dog must allow a  
36 witness under eighteen years of age, or who has a developmental  
37 disability as defined in RCW 71A.10.020, to use a courthouse facility  
38 dog to accompany them while testifying in court.

1 (3) Courts may allow any witness who does not meet the criteria  
2 in subsection (2) of this section to use a courthouse facility dog,  
3 if available, to accompany them while testifying in court.

4 (4) A courthouse facility dog accompanied by a certified handler  
5 is authorized to access: (a) Any courthouse; (b) any location where  
6 the courthouse facility dog and certified handler provide services,  
7 participate in administrative activities of the courthouse facility  
8 dog program, engage in community outreach, or participate in training  
9 activities; (c) any location related to a law enforcement  
10 investigation where law enforcement requests their presence; and (d)  
11 matters pending in the civil or criminal justice system. Authorized  
12 locations include, but are not limited to, places of public  
13 accommodation as defined in RCW 49.60.040, all modes of public  
14 transportation, children's advocacy centers, schools, day care  
15 facilities, law enforcement agencies, prosecutors' offices,  
16 attorneys' offices, medical facilities, specialty courts, and court-  
17 appointed special advocates and guardian ad litem program offices.  
18 The certified handler may be asked to show identification, provided  
19 by the qualified assistance dog organization that trained the  
20 courthouse facility dog and courthouse handler, to establish that  
21 their public access is authorized.

22 (5) Before the introduction of a courthouse facility dog into the  
23 courtroom and outside the presence of the jury, the party desiring to  
24 use the assistance of a courthouse facility dog must file a motion  
25 setting out: (a) The credentials of the courthouse facility dog; (b)  
26 that the courthouse facility dog is adequately insured; (c) that a  
27 relationship has been established between the witness and the  
28 courthouse facility dog in anticipation of testimony; and (d) reasons  
29 why the courthouse facility dog (~~is necessary to facilitate~~) would  
30 help reduce the witness's anxiety and elicit the witness's testimony.

31 ~~((5) Upon a finding that))~~ (6) When the court finds the  
32 circumstances warrant the presence of a courthouse facility dog (~~is~~  
33 necessary to facilitate a witness's testimony)), the court must state  
34 the basis for its decision on the record. The witness must be  
35 afforded the opportunity to have a courthouse facility dog accompany  
36 the witness while testifying, if a courthouse facility dog and  
37 certified handler are available within the jurisdiction of the court  
38 in which the proceeding is held.

39 ~~((6))~~ (7) If the court grants the motion filed under subsection  
40 ~~((4))~~ (5) of this section, the certified handler must be present in

1 the courtroom to advocate for the ( ~~courthouse~~) courthouse  
2 facility dog as necessary. The courthouse facility dog performing  
3 this service should be trained to accompany the witness to the stand  
4 without being attached to the certified handler by a leash and lie on  
5 the floor out of view of the jury while the witness testifies.

6 (~~(7)~~) (8) In a jury trial, the following provisions apply:

7 (a) In the course of jury selection, either party may, with the  
8 court's approval, voir dire prospective jury members on whether the  
9 presence of a courthouse facility dog to assist a witness would  
10 create undue sympathy for the witness or cause prejudice to a party  
11 in any other way.

12 (b) To the extent possible, the court shall ensure that the jury  
13 will be unable to observe the ( ~~courthouse~~) courthouse facility  
14 dog prior to, during, and subsequent to the witness's testimony.

15 (c) On request of either party, the court shall present  
16 appropriate jury instructions that are designed to prevent any  
17 prejudice that might result from the presence of the courthouse  
18 facility dog before the witness testifies and at the conclusion of  
19 the trial.

20 (~~(8)~~) (9) Courts may adopt rules for the use of a courthouse  
21 facility dog authorized under this section.

22 (~~(9)~~) (10) For purposes of this section:

23 (a) "Certified handler" means a person who (i) was trained to  
24 handle the courthouse facility dog by the assistance dog organization  
25 that placed the dog and (ii) is a professional working in the legal  
26 system who is knowledgeable about its practices including, but not  
27 limited to, victim advocates, forensic interviewers, detectives,  
28 prosecuting attorneys, and guardians ad litem.

29 (b) "Courthouse facility dog" means a dog that: (i) Has graduated  
30 from a program of an assistance dog organization that is accredited  
31 by a recognized organization whose main purpose is to grant  
32 accreditation to assistance dog organizations based on standards of  
33 excellence in all areas of assistance dog acquisition, training of  
34 the dogs and their certified handlers, and placement; (~~and~~) (ii)  
35 demonstrates continued proficiency in providing safe and reliable  
36 services through ongoing training according to the assistance dog  
37 organization's training standards; (iii) was specially selected to  
38 provide services in the legal system to provide quiet companionship  
39 to witnesses and potential witnesses during stressful interviews,  
40 examinations, meetings, and other encounters associated with a law

1 enforcement investigation, and legal proceedings, thereby enabling  
2 them to better engage with the process; and (iv) travels as needed  
3 with a certified handler as a team to and from authorized locations  
4 for training, community outreach, and other purposes associated with  
5 the operations of a courthouse facility dog program established in  
6 this section.

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