

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1077

68th Legislature
2023 Regular Session

Passed by the House February 28, 2023
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 31, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1077** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1077

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman, and Santos)

READ FIRST TIME 01/17/23.

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. A
18 certified handler may be asked to show their identification card,
19 provided by the accredited assistance dog organization that trained
20 and certified the handler, to establish that they are a certified
21 handler and that a courthouse facility dog they are accompanying is
22 authorized to access the locations identified in this section.

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

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

1 (~~(6)~~) (7) If the court grants the motion filed under subsection
2 (~~(4)~~) (5) of this section, (~~the~~) a certified handler must be
3 present in the courtroom to advocate for the (~~courthouse~~)
4 courthouse facility dog as necessary. The courthouse facility dog
5 performing this service should be trained to accompany the witness to
6 the stand without being attached to (~~the~~) a certified handler by a
7 leash and lie on the floor out of view of the jury while the witness
8 testifies.

9 (~~(7)~~) (8) In a jury trial, the following provisions apply:

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

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

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

23 (~~(8)~~) (9) Courts may adopt rules for the use of a courthouse
24 facility dog authorized under this section.

25 (~~(9)~~) (10)(a) Each accredited assistance dog organization that
26 trains and certifies courthouse facility dog handlers must issue an
27 identification card to each handler it certifies that works with
28 courthouse facility dogs in Washington.

29 (b) The identification card must (i) clearly state it is a
30 "Certified Courthouse Facility Dog Handler" identification; (ii)
31 include the complete legal name of the certified handler; and (iii)
32 provide the name of and contact information for the accredited
33 assistance dog organization that trained and certified the handler.

34 (c) The identification card must further state "Any courthouse
35 facility dog accompanied by a certified handler is legally authorized
36 to access all courthouses, places of public accommodation as defined
37 in RCW 49.60.040, public transportation, children's advocacy centers,
38 schools, day care facilities, law enforcement agencies, prosecutors'
39 offices, attorneys' offices, medical facilities, specialty courts,

1 court-appointed special advocates and guardian ad litem program
2 offices, and all other locations identified in RCW 10.52.110."

3 (11) For purposes of this section:

4 (a) "Certified handler" means a person who (i) was trained to
5 handle ~~((the))~~ a courthouse facility dog by ((the)) an accredited
6 assistance dog organization ((that placed the dog)) and (ii) is a
7 professional working in the legal system who is knowledgeable about
8 its practices including, but not limited to, victim advocates,
9 forensic interviewers, detectives, prosecuting attorneys, and
10 guardians ad litem.

11 (b) "Courthouse facility dog" means a dog that: (i) Has graduated
12 from a program of an assistance dog organization that is accredited
13 by a recognized organization whose main purpose is to grant
14 accreditation to assistance dog organizations based on standards of
15 excellence in all areas of assistance dog acquisition, training of
16 the dogs and their certified handlers, and placement; ~~((and))~~ (ii)
17 demonstrates continued proficiency in providing safe and reliable
18 services through ongoing training according to the assistance dog
19 organization's training standards; (iii) was specially selected to
20 provide services in the legal system to provide quiet companionship
21 to witnesses and potential witnesses during stressful interviews,
22 examinations, meetings, and other encounters associated with a law
23 enforcement investigation, and legal proceedings, thereby enabling
24 them to better engage with the process; and (iv) travels as needed
25 with a certified handler as a team to and from authorized locations
26 for training, community outreach, and other purposes associated with
27 the operations of a courthouse facility dog program established in
28 this section.

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