

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 14, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB19-1220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 2 through 5 and substitute:
 - 2 "(2) (a) THE COURT MAY, UPON MOTION OF A PARTY OR UPON ITS
 - 3 OWN MOTION, ORDER THAT A WITNESS'S TESTIMONY BE OFFERED WHILE A
 - 4 COURT FACILITY DOG IS IN THE COURTROOM DURING THE TESTIMONY OF
 - 5 THE WITNESS IF:".
- 6 Page 3, line 6, after "PROCEEDING;" insert "AND".
- 7 Page 3, strike line 7 and substitute:
 - 8 "(II) THE JUDGE DETERMINES BY A PREPONDERANCE OF THE
 - 9 EVIDENCE THAT:".
- 10 Page 3, line 8, before "COURT" insert:
 - 11 "(A) THE PRESENCE OF A".
- 12 Page 3, line 10, after "TESTIMONY;" strike "AND".
- 13 Page 3, line 11, strike "(III) ARRANGEMENTS" and substitute:
 - 14 "(B) THE ARRANGEMENTS".
- 15 Page 3, line 13, strike "PROCEEDINGS." and substitute "PROCEEDINGS;
- 16 AND".
- 17 Page 3, after line 13 insert:

- 1 "(C) NO PREJUDICE WOULD RESULT TO ANY PARTY DUE TO THE
2 PRESENCE OF A COURT FACILITY DOG WITH THE WITNESS."
- 3 Page 3, lines 19 through 20, strike "THE WITNESS IS ACCOMPANIED BY".
- 4 Page 3, line 20, after "DOG" insert "IS PRESENT".
- 5 Page 3, line 22, strike "ACCOMPANIMENT" and substitute "PRESENCE".
- 6 Page 3, line 25, strike "ACCOMPANYING A WITNESS".
- 7 Page 3, line 27, strike "SHALL" and substitute "MAY".
- 8 Page 3, line 27, strike "JURY" and substitute "JURY, IF A JURY
9 INSTRUCTION IS REQUESTED BY A PARTY WHO OBJECTED TO THE PRESENCE
10 OF THE COURT FACILITY DOG OR UPON AGREEMENT OF THE PARTIES,".

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