

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0785.01 Jacob Baus x2173

**HOUSE BILL 19-1144**

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**HOUSE SPONSORSHIP**

**Sullivan,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ALLOWING A COURT FACILITY DOG TO ACCOMPANY A**  
102 **CHILD WITNESS DURING TESTIMONY IN TRIAL PROCEEDINGS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill allows a court, upon motion of a party or upon its own motion, to allow a child witness to testify during trial proceedings while accompanied by a court facility dog.

The bill requires a court facility dog to have graduated from training in providing support to witnesses testifying during trial proceedings without causing a distraction during trial proceedings. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

training must be provided by a properly accredited organization.

The bill requires the court to instruct the jury on the role of the court facility dog so that the presence of the court facility dog does not improperly influence the jury.

The bill clarifies that nothing within the bill precludes or interferes with the rights of a qualified individual with a disability who is accompanied by a service animal pursuant to state or federal law.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 16-10-404 as  
3 follows:

4           **16-10-404. Use of a court facility dog - child witness -**  
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

7           (a) "COURT FACILITY DOG" MEANS A DOG THAT IS A GRADUATE OF  
8 AN ASSISTANCE DOG ORGANIZATION THAT IS ACCREDITED BY A  
9 RECOGNIZED ORGANIZATION WHOSE MAIN PURPOSE IS TO GRANT  
10 ACCREDITATION TO ASSISTANCE DOG ORGANIZATIONS BASED ON  
11 STANDARDS OF EXCELLENCE IN ALL AREAS OF ASSISTANCE DOG  
12 ACQUISITION, TRAINING, AND PLACEMENT. A "COURT FACILITY DOG" MUST  
13 BE SPECIALLY TRAINED TO PROVIDE SUPPORT TO WITNESSES TESTIFYING  
14 IN TRIAL PROCEEDINGS WITHOUT CAUSING A DISTRACTION DURING THE  
15 PROCEEDINGS.

16           (b) "QUALIFIED INDIVIDUAL WITH A DISABILITY" HAS THE SAME  
17 MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES  
18 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED  
19 AMENDMENTS AND IMPLEMENTING REGULATIONS.

20           (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
21 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ.

2 (2) (a) WHEN A WITNESS AT THE TIME OF A TRIAL IS A CHILD  
3 UNDER TWELVE YEARS OF AGE, THE COURT MAY, UPON MOTION OF A  
4 PARTY OR UPON ITS OWN MOTION, ORDER THAT THE WITNESS'S TESTIMONY  
5 BE OFFERED WHILE THE WITNESS IS ACCOMPANIED BY A COURT FACILITY  
6 DOG IN THE COURTROOM OR UPON THE WITNESS STAND IF:

7 (I) THE TESTIMONY IS TAKEN DURING TRIAL PROCEEDINGS;

8 (II) THE JUDGE DETERMINES THAT TESTIMONY BY THE WITNESS  
9 WOULD RESULT IN THE WITNESS SUFFERING SERIOUS EMOTIONAL DISTRESS  
10 OR TRAUMA SUCH THAT THE WITNESS WOULD NOT BE ABLE TO  
11 REASONABLY COMMUNICATE; AND

12 (III) ARRANGEMENTS FOR AN AVAILABLE COURT FACILITY DOG  
13 DURING THE WITNESS'S TESTIMONY WOULD NOT INTERFERE WITH  
14 EFFICIENT TRIAL PROCEEDINGS.

15 (b) TO OBTAIN AN ORDER AUTHORIZING THE USE OF A COURT  
16 FACILITY DOG FOR TESTIMONY BY A CHILD WITNESS, THE PARTY MUST FILE  
17 A WRITTEN MOTION WITH THE COURT NO LESS THAN FOURTEEN DAYS  
18 PRIOR TO THE TRIAL.

19 (3) NOTWITHSTANDING A JUDGE'S ORDER GRANTING THAT THE  
20 WITNESS'S TESTIMONY MAY BE OFFERED WHILE THE WITNESS IS  
21 ACCOMPANIED BY A COURT FACILITY DOG PURSUANT TO SUBSECTION  
22 (2)(a) OF THIS SECTION, THE JUDGE HAS THE AUTHORITY TO TERMINATE  
23 THE ACCOMPANIMENT OF A COURT FACILITY DOG AT ANY TIME PRIOR TO,  
24 OR DURING, THE WITNESS'S TESTIMONY.

25 (4) TO ENSURE THAT THE PRESENCE OF A COURT FACILITY DOG  
26 ACCOMPANYING A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A  
27 REFLECTION ON THE TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED

1 BY A WITNESS, THE COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE  
2 COURT FACILITY DOG AND THAT THE COURT FACILITY DOG IS A TRAINED  
3 ANIMAL.

4 (5) NOTHING IN THIS SECTION PRECLUDES OR INTERFERES WITH  
5 THE RIGHTS OF A QUALIFIED INDIVIDUAL WITH A DISABILITY WHO IS  
6 ACCOMPANIED BY A SERVICE ANIMAL PURSUANT TO STATE OR FEDERAL  
7 LAW.

8 **SECTION 2. Effective date.** This act takes effect on July 1,  
9 2019, and applies to trial proceedings occurring on or after said date.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.