

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0934.01 Jacob Baus x2173

HOUSE BILL 19-1220

HOUSE SPONSORSHIP

Sullivan, Becker, Bird, Buckner, Cutter, Duran, Exum, Froelich, Hooton, Jackson, Michaelson Jenet, Roberts, Saine, Sirota, Snyder, Soper, Valdez A., Van Winkle

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING ALLOWING A COURT FACILITY DOG TO ACCOMPANY A**
102 **WITNESS DURING TESTIMONY.**

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 witness to testify during criminal 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 proceedings without causing a distraction during proceedings. The training must be

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.*

SENATE
Amended 2nd Reading
April 11, 2019

HOUSE
3rd Reading Unamended
March 20, 2019

HOUSE
Amended 2nd Reading
March 19, 2019

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 in 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.

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 - definitions.** (1) AS USED
5 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

14 (b) "CRIMINAL PROCEEDING" OR "CRIMINAL PROCEEDINGS" HAS
15 THE SAME MEANING AS SET FORTH IN SECTION 16-8.5-101 (7).

16 (c) "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 (d) "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) 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 (I) THE TESTIMONY IS TAKEN DURING A CRIMINAL PROCEEDING;
7 AND

8 (II) THE JUDGE DETERMINES BY A PREPONDERANCE OF THE
9 EVIDENCE THAT:

10 (A) THE PRESENCE OF A COURT FACILITY DOG WITH THE WITNESS
11 DURING THE WITNESS'S TESTIMONY WOULD REDUCE THE WITNESS'S
12 ANXIETY AND ENHANCE THE ABILITY OF THE COURT TO RECEIVE FULL AND
13 ACCURATE TESTIMONY; ■

14 (B) THE ARRANGEMENTS FOR AN AVAILABLE COURT FACILITY DOG
15 DURING THE WITNESS'S TESTIMONY WOULD NOT INTERFERE WITH
16 EFFICIENT CRIMINAL PROCEEDINGS; AND

17 (C) NO PREJUDICE WOULD RESULT TO ANY PARTY DUE TO THE
18 PRESENCE OF A COURT FACILITY DOG WITH THE WITNESS.

19 (b) TO OBTAIN AN ORDER AUTHORIZING THE USE OF A COURT
20 FACILITY DOG DURING THE WITNESS'S TESTIMONY, THE PARTY MUST FILE
21 A WRITTEN MOTION WITH THE COURT NO LESS THAN FOURTEEN DAYS
22 PRIOR TO THE CRIMINAL PROCEEDING.

23 (3) NOTWITHSTANDING A JUDGE'S ORDER GRANTING THAT THE
24 WITNESS'S TESTIMONY MAY BE OFFERED WHILE ■ A COURT FACILITY DOG
25 IS PRESENT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, THE JUDGE
26 HAS THE AUTHORITY TO TERMINATE THE PRESENCE OF A COURT FACILITY
27 DOG AT ANY TIME PRIOR TO, OR DURING, THE WITNESS'S TESTIMONY.

1 (4) TO ENSURE THAT THE PRESENCE OF A COURT FACILITY DOG
2 DOES NOT INFLUENCE THE JURY OR IS NOT A REFLECTION ON THE
3 TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED BY A WITNESS, THE
4 COURT MAY INSTRUCT THE JURY, IF A JURY INSTRUCTION IS REQUESTED BY
5 A PARTY WHO OBJECTED TO THE PRESENCE OF THE COURT FACILITY DOG
6 OR UPON AGREEMENT OF THE PARTIES, ON THE ROLE OF THE COURT
7 FACILITY DOG AND THAT THE COURT FACILITY DOG IS A TRAINED ANIMAL.

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

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

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