

HOUSE BILL 186

D1, D2

(PRE-FILED)

11r0397
CF SB 7

By: **Delegate Malone**

Requested: June 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Courts – Court Dog ~~Therapy~~ Program – Veterans Treatment Courts**

3 FOR the purpose of renaming the Court Dog and Child Witness Program to be the Court
4 Dog ~~Therapy~~ Program; expanding the application of the Program to veterans
5 participating in a certain veterans treatment court; establishing that the Program
6 shall be in the circuit court of each county that participates in the Program and in
7 the District Court of each county that participates in the Program under certain
8 circumstances; altering the purpose of the Program; defining certain terms; making
9 clarifying and conforming changes; and generally relating to the Court Dog ~~Therapy~~
10 Program.

11 BY repealing and reenacting, with amendments,

12 Article – Courts and Judicial Proceedings

13 Section 9–501 to be under the amended subtitle “Subtitle 5. Court Dog ~~Therapy~~
14 Program”

15 Annotated Code of Maryland

16 (2020 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 Subtitle 5. [Court Dog and Child Witness Program] **COURT DOG ~~THERAPY~~ PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–501.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Child witness” means a witness who is a minor when the witness
4 testifies in a court proceeding.

5 (3) “Facility dog” means a dog that has:

6 (i) Graduated from a program of an assistance dog organization that
7 is a member of a nationally recognized assistance dog association; and

8 (ii) Been teamed with a facility dog handler.

9 (4) “Facility dog handler” means a person who has received training on:

10 (i) Offering the person’s animal for assistance purposes from an
11 organization accredited by Assistance Dogs International or an equivalent organization;
12 and

13 (ii) Court protocol and policies, including the expected role of an
14 animal assistance team and how not to interfere with evidence collection or the effective
15 administration of justice.

16 (5) “Program” means the Court Dog [and Child Witness] ~~THERAPY~~
17 Program.

18 (6) “Therapy dog” means a dog that has:

19 (i) Received training to provide affection and comfort to individuals
20 who need emotional support;

21 (ii) Been teamed with a therapy dog handler; and

22 (iii) 1. Graduated from a program operated by an organization
23 that registers or certifies therapy dogs and their handlers to meet or exceed the standards
24 of practice in animal–assisted interventions; or

25 2. Been specially trained to provide emotional support to
26 witnesses testifying in judicial proceedings without causing a distraction.

27 (7) “Therapy dog handler” means a person who has received training on:

28 (i) Offering the person’s animal for assistance purposes from an
29 organization that insures, registers, or certifies therapy dogs and their handlers; and

1 (ii) Court protocol and policies, including the expected role of an
2 animal assistance team and how not to interfere with evidence collection or the effective
3 administration of justice.

4 (8) "VETERAN" MEANS A PERSON WHO SERVED ON ACTIVE DUTY IN
5 ~~THE ARMED FORCES~~ UNIFORMED SERVICES OF THE UNITED STATES, OTHER THAN
6 FOR TRAINING, AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER
7 THAN DISHONORABLE.

8 (9) "VETERANS TREATMENT COURT" MEANS A COURT-SUPERVISED,
9 COMPREHENSIVE, AND VOLUNTARY TREATMENT-BASED PROGRAM FOR VETERANS.

10 (b) (1) There is a Court Dog [and Child Witness] ~~THERAPY~~ Program.

11 (2) The Program shall be [in]:

12 (I) IN the circuit court of each county that participates in the
13 Program; AND

14 (II) IN THE DISTRICT COURT OF EACH COUNTY THAT
15 PARTICIPATES IN THE PROGRAM, IF THE DISTRICT COURT OFFERS A VETERANS
16 TREATMENT COURT PROGRAM.

17 (3) Participation in the Program shall be voluntary.

18 (4) A participating court shall adhere to the procedures adopted in
19 accordance with this section by the Administrative Office of the Courts.

20 (c) The [purpose] PURPOSES of the Program [is] ARE to:

21 (1) IN A CIRCUIT COURT THAT PARTICIPATES IN THE PROGRAM,
22 provide a facility dog or therapy dog to a child witness in [any] THE circuit court proceeding
23 or other related court process, meeting, or interview in the State, including:

24 [(1)] (I) An in camera review or other interaction with a judge or a
25 magistrate;

26 [(2)] (II) A meeting with an attorney, best interest attorney, privilege
27 attorney, or other specialized attorney; or

28 [(3)] (III) A meeting with a custody evaluator; AND

29 (2) IN A CIRCUIT COURT OR DISTRICT COURT THAT OFFERS A
30 VETERANS TREATMENT COURT PROGRAM, PROVIDE A FACILITY DOG OR THERAPY
31 DOG TO A VETERAN PARTICIPATING IN A VETERANS TREATMENT COURT

1 PROCEEDING OR OTHER RELATED COURT PROCESS OR MEETING IN THE STATE,
2 INCLUDING:

3 (I) A STATUS REVIEW WITH A JUDGE OR MAGISTRATE;

4 (II) A MEETING WITH AN ATTORNEY; OR

5 (III) A MEETING WITH A PROBATION, PRETRIAL, OR COURT CASE
6 MANAGER.

7 (d) To accomplish the purpose of the Program, the Administrative Office of the
8 Courts shall:

9 (1) Develop a plan to implement the Program;

10 (2) Establish the procedures that a party in a court proceeding must follow
11 to request that a therapy dog and therapy dog handler or facility dog and facility dog
12 handler assist a child witness **OR A VETERAN PARTICIPATING IN A VETERANS**
13 **TREATMENT COURT**; and

14 (3) Ensure that the details of the Program are publicly available.

15 (e) The Administrative Office of the Courts may adopt procedures to implement
16 this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.