

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 311
Judiciary

(Delegate Malone, *et al.*)

Judicial Proceedings

Courts - Court Dog and Child Witness Program - Established

This bill establishes the Court Dog and Child Witness Program in the circuit court of each county that voluntarily participates in the program. The program’s purpose is to provide a “facility dog” or “therapy dog” to a “child witness” in any circuit court proceeding or other related court process, meeting, or interview in the State, as specified. The bill also alters, from September 30, 2021, to September 30, 2020, the termination date for the Court Dog and Child Witness Pilot Program in the circuit courts for Anne Arundel and Harford counties.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for the Judiciary.

Local Effect: Potential minimal increase in expenditures for counties that elect to participate in the program.

Small Business Effect: Minimal.

Analysis

Bill Summary: The Administrative Office of the Courts (AOC) must (1) develop a plan to implement the program; (2) establish the procedures that a party in a court proceeding must follow to request that a therapy dog and therapy dog handler, or facility dog and facility dog handler, assist a child witness; and (3) ensure that the details of the program are publicly available. AOC may adopt procedures to implement the bill’s provisions.

A “child witness” is a witness who is a minor when the witness testifies in a court proceeding. A “facility dog” is a dog that has (1) graduated from a program of an assistance dog organization that is a member of a nationally recognized assistance dog association and (2) been teamed with a facility dog handler. A “therapy dog” is a dog that has (1) received training to provide affection and comfort to individuals who need emotional support; (2) been teamed with a therapy dog handler; and (3) graduated from a program operated by an organization that registers or certifies therapy dogs and their handlers to meet or exceed the standards of practice in animal-assisted interventions or been specifically trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction.

Facility dog handlers and therapy dog handlers must meet specified training requirements, including training from qualified organizations on offering the handler’s animal for assistance and training on court protocol and policies.

Current Law/Background: Chapter 467 of 2016 established the Courthouse Dog and Child Witness Pilot Program in the circuit courts for Anne Arundel and Harford counties. The purpose of the pilot program is to determine whether to establish a structured, defined, and systematic approach for providing a courthouse dog to a child witness in any circuit court proceeding in the State. Pursuant to Chapter 467, a child witness was limited to witnesses who were minors when testifying in *criminal* proceedings. Chapter 196 of 2017 expanded the pilot program to include civil proceedings. Chapter 466 of 2019 changed the name of the program to the Court Dog and Child Witness Pilot Program and extended the pilot program’s termination date to September 30, 2021. The pilot program is fully operational in both counties.

State/Local Fiscal Effect: General fund expenditures for the Judiciary may increase minimally to the extent that counties electing to participate in the program require funding to implement, maintain, and publicize the program. Expenditures in participating counties may increase minimally if the Judiciary requires locally funded support from the circuit courts. However, because participation by counties is voluntary and AOC has flexibility in developing and implementing any programs, it is assumed that any potential expenditures are minimal and do not materially impact State or local finances. Anne Arundel County also advises that there are no county costs associated with the current pilot program.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 101 (Senator Simonaire, *et al.*) - Judicial Proceedings..

Information Source(s): Anne Arundel, Caroline, Howard, Montgomery, and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: rh/lgc
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