

By: Harris, Allison, Ramos, Leach, et al.

H.B. No. 1071

A BILL TO BE ENTITLED

AN ACT

relating to the presence of a qualified facility dog or qualified therapy animal in certain court proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.012 to read as follows:

Sec. 21.012. PRESENCE OF QUALIFIED FACILITY DOG OR QUALIFIED THERAPY ANIMAL IN COURT PROCEEDING. (a) In this section:

(1) "Qualified facility dog" means a dog that is a graduate of a program operated by an assistance dog organization that is a member of a nationally recognized assistance dog association.

(2) "Qualified therapy animal" means an animal that successfully completes a program operated by an organization that registers, insures, or certifies a therapy animal and the animal's handler as meeting or exceeding the standards of practice in animal-assisted interventions.

(b) Any party to an action filed in a court in this state in which a proceeding related to the action will be held may petition the court for an order authorizing a qualified facility dog or qualified therapy animal to be present with a witness who is testifying before the court through:

(1) in-person testimony; or

(2) closed-circuit video teleconferencing testimony.

1 (c) The court may enter an order authorizing a qualified
2 facility dog or qualified therapy animal to accompany a witness
3 testifying at the court proceeding if:

4 (1) the presence of the dog or animal will assist the
5 witness in providing testimony; and

6 (2) the party petitioning for the order provides proof
7 of liability insurance coverage in effect for the dog or animal.

8 (d) A handler who is trained to manage the qualified
9 facility dog or qualified therapy animal must accompany the dog or
10 animal provided for a witness at a court proceeding.

11 (e) A party to the action must petition the court for an
12 order under Subsection (b) not later than the 14th day before the
13 date of the court proceeding.

14 (f) A court may:

15 (1) impose restrictions on the presence of the
16 qualified facility dog or qualified therapy animal during the court
17 proceeding; and

18 (2) issue instructions to the jury, as applicable,
19 regarding the presence of the dog or animal.

20 SECTION 2. This Act takes effect September 1, 2021.