H.B. No. 1071

AN ACT

relating to the presence of a qualified facility dog or qualified therapy dog 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 DOG IN COURT PROCEEDING. (a) In this section:

(1)  "Qualified facility dog" means a dog that:

(A)  is a graduate of a program operated by an assistance dog organization that is a member of a nationally recognized assistance dog association; or

(B)  before January 1, 2021, on the approval of the court, served in a court proceeding by accompanying a witness who was testifying.

(2)  "Qualified therapy dog" means a dog that successfully completes a program operated by an organization that registers, insures, or certifies a therapy dog and the dog'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 dog to be present with a witness who is testifying before the court through:

(1)  in-person testimony; or

(2)  closed-circuit video teleconferencing testimony.

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

(1)  the presence of the dog will assist the witness in providing testimony; and

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

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

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

(f)  A court may:

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

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

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

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    President of the Senate Speaker of the House

I certify that H.B. No. 1071 was passed by the House on April 9, 2021, by the following vote:  Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1071 on May 18, 2021, by the following vote:  Yeas 137, Nays 4, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1071 was passed by the Senate, with amendments, on May 12, 2021, by the following vote:  Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor