By:  Harris, et al. (Senate Sponsor - Whitmire) H.B. No. 1071

(In the Senate - Received from the House April 12, 2021; April 14, 2021, read first time and referred to Committee on Criminal Justice; May 6, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols                  X

COMMITTEE SUBSTITUTE FOR H.B. No. 1071 By:  Whitmire

A BILL TO BE ENTITLED

AN ACT

relating to the presence of a qualified facility 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 IN COURT PROCEEDING. (a) In this section, "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.

(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 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 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 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 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.

\* \* \* \* \*