

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

1 before the court through:

2 (1) in-person testimony; or

3 (2) closed-circuit video teleconferencing testimony.

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

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

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

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

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

17 (f) A court may:

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

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

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

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President of the Senate

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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