

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 1071

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

23 (1) in-person testimony; or

24 (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.

ADOPTED

MAY 12 2021

Lately Spaw
Secretary of the Senate

By: *John Whitman*

H.B. No. 1071

Substitute the following for H.B. No. 1071 :

By: *John Whitman*

C.S. H.B. No. 1071

A BILL TO BE ENTITLED

AN ACT

1 relating to the presence of a qualified facility dog in certain
2 court proceedings.

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

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

6 Sec. 21.012. PRESENCE OF QUALIFIED FACILITY DOG IN COURT
7 PROCEEDING. (a) In this section, "qualified facility dog" means a
8 dog that is a graduate of a program operated by an assistance dog
9 organization that is a member of a nationally recognized assistance
10 dog association.

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

15 (1) in-person testimony; or

16 (2) closed-circuit video teleconferencing testimony.

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

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

22 (2) the party petitioning for the order provides proof
23 of liability insurance coverage in effect for the dog.
24

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

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

7 (f) A court may:

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

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

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

ADOPTED

MAY 12 2021

as amended

Lacey Law
Secretary of the Senate

BY:

Whitmore

FLOOR AMENDMENT NO. 1

1 Amend C.S.H.B. No. 1071 as follows:

2 (1) In SECTION 1 of the bill, in the heading to added Section
3 21.012, Government Code (page 1, line 24), between "DOG" and "IN"
4 insert "OR QUALIFIED THERAPY DOG".

5 (2) In SECTION 1 of the bill, strike added Section
6 21.012(a), Government Code (page 1, lines 25-28), and substitute
7 the following:

8 (a) In this section:

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

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

18 (3) In SECTION 1 of the bill, in added Section 21.012(b),
19 Government Code (page 1, line 31), between "dog" and "to" insert "or
20 qualified therapy dog".

21 (4) In SECTION 1 of the bill, in added Section 21.012(c),
22 Government Code (page 1, line 36), between "dog" and "to" insert "or
23 qualified therapy dog".

24 (5) In SECTION 1 of the bill, in added Section 21.012(d),
25 Government Code (page 1, line 43), between "dog" and "must" insert
26 "or qualified therapy dog".

27 (6) In SECTION 1 of the bill, in added Section 21.012(f)(1),
28 Government Code (page 1, line 50), between "dog" and "during"
29 insert "or qualified therapy dog".

ADOPTED

MAY 12 2021

Lately Law
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Brian Bidwell*

1 Amend Amendment No. 1 by Sen. Whitmire (87R25999) to
2 C.S.H.B. No. 1071 (senate committee printing), in Item 2 of the
3 amendment, substituting language for added Section 21.012(a),
4 Government Code, by striking added Subdivision (1) of that section
5 (lines 9 through 12 of the amendment) and substituting the
6 following:

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1071 by Harris (Relating to the presence of a qualified facility dog in certain court proceedings.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, LBO, DKN, BH, SLE, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 4, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1071 by Harris (Relating to the presence of a qualified facility dog in certain court proceedings.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow for the presence of a qualified facility dog in certain court proceedings.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, BH, SLE, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 3, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1071 by Harris (Relating to the presence of a qualified facility dog or qualified therapy animal in certain court proceedings.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow for the presence of a qualified facility dog or qualified therapy animal in certain court proceedings.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, BH, SLE, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 15, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1071 by Harris (Relating to the presence of a qualified facility dog or qualified therapy animal in certain court proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow for the presence of a qualified facility dog or qualified therapy animal in certain court proceedings.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH