

House Bill 1071
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

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

(1) the presence of the dog or animal 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 or animal.

SENATE VERSION (IE)

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: [FA1(1);FA1(2)]

(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. [FA1(2),FA2]

(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. [FA1(2)]

(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: [FA1(3)]

(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: [FA1(4)]

(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.

CONFERENCE

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(d) A handler who is trained to manage the qualified facility dog or qualified therapy animal must accompany the dog or animal 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 animal during the court proceeding; and

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

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

SENATE VERSION (IE)

(d) A handler who is trained to manage the qualified facility dog must accompany the dog or qualified therapy dog provided for a witness at a court proceeding. [FA1(5)]

(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 [FA1(6)]

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

SECTION 2. Same as House version.

CONFERENCE