

IN THE SENATE

SENATE BILL NO. 1089

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO WITNESSES IN CRIMINAL PROCEEDINGS; AMENDING SECTION 19-3023,
3 IDAHO CODE, TO PROVIDE THAT FACILITY DOGS SHALL BE ALLOWED TO REMAIN AT
4 THE WITNESS STAND WITH A CHILD DURING TESTIMONY IN CERTAIN INSTANCES AND
5 TO DEFINE A TERM.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 19-3023, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 19-3023. CHILD SUMMONED AS WITNESS. (1) When a child is summoned as
10 a witness in any hearing in any criminal matter, including any preliminary
11 hearing, notwithstanding any other statutory provision, parents, a coun-
12 selor, friend or other person having a supportive relationship with the
13 child, or a facility dog, shall be allowed to remain in the courtroom at the
14 witness stand with the child during the child's testimony unless in written
15 findings made and entered, the court finds that the defendant's constitu-
16 tional right to a fair trial will be unduly prejudiced.

17 (2) When a child is summoned as a witness in any hearing in a noncrimi-
18 nal matter that involves the abuse, neglect or abandonment of the child, in-
19 cluding any preliminary hearing, notwithstanding any other statutory provi-
20 sion, a facility dog shall be allowed to remain in the courtroom at the wit-
21 ness stand with the child during the child's testimony.

22 (3) For purposes of this section, "facility dog" means a dog that is a
23 graduate of an assistance dog organization that is a member of assistance
24 dogs international or a similar internationally recognized organization
25 whose main purpose is to grant accreditation to assistance dog organizations
26 based on standards of excellence in all areas of assistance dog acquisition,
27 training and placement.