



General Assembly

Raised Bill No. 5140

February Session, 2016

LCO No. 412

* _____ HB05140JUD ___ 040616 ___ *

Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING THE USE OF THERAPY ANIMALS TO COMFORT CHILDREN TESTIFYING IN CERTAIN CRIMINAL PROSECUTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-86g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) In any criminal prosecution of an offense involving assault,
4 sexual assault or abuse of a child twelve years of age or younger, the
5 court may, upon motion of the attorney for any party, order that the
6 testimony of the child be taken in a room other than the courtroom in
7 the presence and under the supervision of the trial judge hearing the
8 matter and be televised by closed circuit equipment in the courtroom
9 or recorded for later showing before the court. Only the judge, the
10 defendant, the attorneys for the defendant and for the state, persons
11 necessary to operate the equipment, [and] any person who would
12 contribute to the welfare and well-being of the child and a volunteer
13 team consisting of a therapy animal and a registered handler, as
14 described in subsection (b) of this section, may be present in the room
15 with the child during [his] the child's testimony, except that the court

16 may order the defendant excluded from the room or screened from the
17 sight and hearing of the child only if the state proves, by clear and
18 convincing evidence, that the child would be so intimidated, or
19 otherwise inhibited, by the physical presence of the defendant that a
20 compelling need exists to take the testimony of the child outside the
21 physical presence of the defendant in order to insure the reliability of
22 such testimony. If the defendant is excluded from the room or
23 screened from the sight and hearing of the child, the court shall ensure
24 that the defendant is able to observe and hear the testimony of the
25 child, but that the child cannot see or hear the defendant. The
26 defendant shall be able to consult privately with his or her attorney at
27 all times during the taking of the testimony. The attorneys and the
28 judge may question the child. If the court orders the testimony of a
29 child to be taken in the manner permitted under this subsection, the
30 child shall not be required to testify in court at the proceeding for
31 which the testimony was taken.

32 (b) In any criminal prosecution of an offense involving assault,
33 sexual assault or abuse of a child twelve years of age or younger, the
34 court may, upon motion of the attorney for any party, order that the
35 following procedures be used when the testimony of the child is taken:
36 (1) Persons shall be prohibited from entering and leaving the
37 courtroom during the child's testimony; (2) an adult who is known to
38 the child and with whom the child feels comfortable shall be permitted
39 to sit in close proximity to the child during the child's testimony,
40 provided such person shall not obscure the child from the view of the
41 defendant or the trier of fact; (3) a volunteer team consisting of a
42 therapy animal and a registered handler, as those terms are defined in
43 section 17a-22ee, with whom the child feels comfortable shall be
44 permitted to sit in close proximity to the child during the child's
45 testimony, provided such team shall not obscure the child from the
46 view of the defendant or the trier of fact; (4) the use of anatomically
47 correct dolls by the child shall be permitted; and [(4)] (5) the attorneys
48 for the defendant and for the state shall question the child while seated
49 at a table positioned in front of the child, shall remain seated while

50 posing objections and shall ask questions and pose objections in a
51 manner which is not intimidating to the child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	54-86g

KID *Joint Favorable*

JUD *Joint Favorable*