



# House of Representatives

General Assembly

**File No. 104**

February Session, 2016

House Bill No. 5140

*House of Representatives, March 22, 2016*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***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 Section 54-86g of the general statutes is repealed and the  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	October 1, 2016	54-86g

**KID**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with allowing a therapy animal and registered handler team to be present in certain court proceedings.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5140****AN ACT CONCERNING THE USE OF THERAPY ANIMALS TO COMFORT CHILDREN TESTIFYING IN CERTAIN CRIMINAL PROSECUTIONS.****SUMMARY:**

This bill allows the court, during a criminal prosecution of an offense involving assault, sexual assault, or abuse of a child under age 13 and upon motion of either party's attorney, to permit a volunteer team consisting of a therapy animal and registered handler to sit in close proximity to the child during his or her testimony. The child must feel comfortable with the team and it must not obscure the view of the defendant, judge, or jury. By law, the court may allow an adult known to a testifying child to sit in close proximity to the child under the same circumstances.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2016

**BACKGROUND*****Related Case***

In a case involving 1<sup>st</sup> degree sexual assault and risk of injury to a minor, the Connecticut Appellate Court ruled that courts have inherent general discretionary authority to allow a dog to sit near a child witness when there is a showing that this special procedure is needed and would not deny the defendant a fair trial (*State v. Devon D.*, 150 Conn. App. 514 (2014)).

The Connecticut Supreme Court heard arguments on the case, including this issue, in January 2016 but has not yet rendered a decision.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 13    Nay 0    (03/08/2016)