



General Assembly

January Session, 2017

Raised Bill No. 6999

LCO No. 3220



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING THE USE OF THERAPY DOGS 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 Section 54-86g of the general statutes is repealed and the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, 2017*):

3 (a) For the purposes of this section, "therapy dog" means any dog
4 trained to provide comfort to an individual who has (1) experienced
5 mental, physical or emotional trauma, (2) witnessed, or has been a
6 victim of, an act of violence, or (3) behavioral health care needs.

7 [(a)] (b) In any criminal prosecution of an offense involving assault,
8 sexual assault or abuse of a child [twelve years of age or younger]
9 under the age of eighteen, the court may, upon motion of the attorney
10 for any party, order that the testimony of the child be taken in a room
11 other than the courtroom in the presence and under the supervision of
12 the trial judge hearing the matter and be televised by closed circuit
13 equipment in the courtroom or recorded for later showing before the
14 court. Only the judge, the defendant, the attorneys for the defendant

15 and for the state, persons necessary to operate the equipment, [and]
16 any person who would contribute to the welfare and well-being of the
17 child and a volunteer team consisting of a therapy dog and a registered
18 handler, as described in subsection (c) of this section, may be present
19 in the room with the child during [his] the child's testimony, except
20 that the court may order the defendant excluded from the room or
21 screened from the sight and hearing of the child only if the state
22 proves, by clear and convincing evidence, that the child would be so
23 intimidated, or otherwise inhibited, by the physical presence of the
24 defendant that a compelling need exists to take the testimony of the
25 child outside the physical presence of the defendant in order to insure
26 the reliability of such testimony. If the defendant is excluded from the
27 room or screened from the sight and hearing of the child, the court
28 shall ensure that the defendant is able to observe and hear the
29 testimony of the child, but that the child cannot see or hear the
30 defendant. The defendant shall be able to consult privately with his or
31 her attorney at all times during the taking of the testimony. The
32 attorneys and the judge may question the child. If the court orders the
33 testimony of a child to be taken in the manner permitted under this
34 subsection, the child shall not be required to testify in court at the
35 proceeding for which the testimony was taken.

36 [(b)] (c) In any criminal prosecution of an offense involving assault,
37 sexual assault or abuse of a child [twelve years of age or younger]
38 under the age of eighteen, the court may, upon motion of the attorney
39 for any party, order that the following procedures be used when the
40 testimony of the child is taken: (1) Persons shall be prohibited from
41 entering and leaving the courtroom during the child's testimony; (2) an
42 adult who is known to the child and with whom the child feels
43 comfortable shall be permitted to sit in close proximity to the child
44 during the child's testimony, provided such person shall not obscure
45 the child from the view of the defendant or the trier of fact; (3) a
46 volunteer team consisting of a therapy dog and a registered handler, as
47 that term is defined in section 17a-22ee, with whom the child feels

48 comfortable, shall be permitted to sit in close proximity to the child
49 during the child's testimony, provided such team shall not obscure the
50 child from the view of the defendant or the trier of fact; (4) the use of
51 anatomically correct dolls by the child shall be permitted; and [(4)] (5)
52 the attorneys for the defendant and for the state shall question the
53 child while seated at a table positioned in front of the child, shall
54 remain seated while posing objections and shall ask questions and
55 pose objections in a 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, 2017	54-86g

Statement of Purpose:

To allow the use of therapy dogs to provide comfort to children who are testifying in a criminal prosecution of an offense involving the assault, sexual assault or abuse of a child under the age of eighteen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]