
A BILL FOR AN ACT

RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new section to be appropriately designated and to read
3 as follows:

4 "§ - Use of a facility dog. (a) For purposes of this
5 section:

6 "Facility dog" means a dog that is a graduate of an
7 assistance dog organization that is accredited by an
8 internationally recognized organization whose main purpose is to
9 grant accreditation to assistance dog organizations based on
10 standards of excellence in all areas of assistance dog
11 acquisition, training, and placement. A "facility dog" shall be
12 specially trained to provide emotional support to witnesses
13 testifying in judicial proceedings without causing a distraction
14 during the proceedings.

15 "Vulnerable witness" means a witness whose ability to
16 testify in a judicial proceeding will be hampered or ineffective
17 without the assistance of a facility dog, for reasons including



1 but not limited to intellectual or emotional disability,
2 intimidation, or age.

3 (b) A court may permit the use of a facility dog in a
4 judicial proceeding involving the testimony of a vulnerable
5 witness if the court determines that there is a compelling
6 necessity for the use of a facility dog to facilitate the
7 testimony of the vulnerable witness.

8 (c) Before the use of a facility dog in a judicial
9 proceeding, the moving party shall file a motion certifying to
10 the court:

11 (1) The credentials of the facility dog;
12 (2) That the facility dog is adequately insured; and
13 (3) That a relationship has been established between the
14 witness and the facility dog.

15 (d) To the extent necessary, the court may impose
16 restrictions, or instructions to the jury, regarding the
17 presence of the facility dog during the proceedings."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on January 7, 2059.

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Report Title:

Honolulu Prosecuting Attorney Package; Use of a Dog in Judicial Proceedings

Description:

Authorizes any state court to permit the use of a facility dog in a judicial proceeding involving the testimony of a vulnerable witness if the court determines that there is a compelling necessity for the use of a trained and credential facility dog to facilitate the testimony of a vulnerable witness. Takes effect on 1/7/2059. (SD1)

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