

STAND. COM. REP. NO.

3044

Honolulu, Hawaii

MAR 23 2016

RE: H.B. No. 1668
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1668 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN JUDICIAL
PROCEEDINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
court to use a facility dog in a judicial proceeding if the court
determines that there is a compelling necessity to facilitate the
testimony of a vulnerable witness.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu; Office of the Prosecuting Attorney, County of Hawai'i;
Office of the Prosecuting Attorney, County of Kaua'i; Hawaii Youth
Services Network; Hawaiian Humane Society; Humane Society of the
United States - Hawaii; and The Children's Alliance. Your
Committee received testimony in opposition to this measure from
the Office of the Public Defender.

Your Committee finds that testifying in court can be an
unsettling and sometimes terrifying ordeal and the presence of a
well-trained dog can aid in witness testimony by providing the
witness with emotional support and comfort in the witness room and
courtroom. The Department of the Prosecuting Attorney of the City
and County of Honolulu testified that since 2011, the Department's
facility dog, Pono, has assisted children and other traumatized
crime victims during interviews, in witness waiting rooms, and

2016-1842 SSCR SMA.doc



occasionally in courtrooms. Although Pono has been allowed to be present and accompany children during actual court proceedings, there are no clear and specific criteria for permitting the use of facility dogs in Hawaii's courtrooms. This measure provides authorization and procedures for the use of facility dogs to facilitate the testimony of a vulnerable witness.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Prosecuting Attorney of the City and County of Honolulu that amends the definition of "facility dog" by using generic terminology to refer to the accreditation organization from which the dog must be a graduate; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1668, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1668, S.D. 1, and be placed on the calendar for Third Reading.

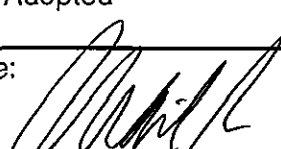
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1668	Committee Referral: JDL	Date: 3/18/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes