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Legislative Document

No. 888

S.P. 379

In Senate, February 28, 2023

An Act to Allow Use of Courthouse Facility Dogs by Criminal Justice Agencies for Criminal Justice Purposes

Reference to the Committee on Judiciary suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by President JACKSON of Aroostook. Cosponsored by Representative COLLINGS of Portland, Representative UNDERWOOD of Presque Isle.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 15 MRSA §458 is enacted to read:
3	§458. Courthouse facility dogs
4 5	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
6 7 8 9	A. "Assistance dog organization" means an organization that is a member of an internationally recognized assistance dog association that has the primary purpose of granting accreditation for assistance dog acquisition, dog training, dog handler training and dog placement.
10 11	<u>B.</u> "Child advocacy center" has the same meaning as in Title 22, section 4019, subsection 1, paragraph B.
12 13 14	C. "Courthouse facility dog" means a dog that meets the requirements of subsection 2 and is handled to do specific, skilled tasks to provide support to a vulnerable witness in the physical spaces of a criminal justice agency.
15 16 17 18	D. "Courthouse facility dog handler" means a person who meets the requirements of subsection 3 and who handles a courthouse facility dog to provide a calming influence on a vulnerable witness during the investigation and prosecution of a crime or other legal proceeding and to provide a comforting presence in those situations.
19 20	E. "Courthouse facility dog team" means a paired courthouse facility dog and courthouse facility dog handler that meets the requirements of subsection 4.
21 22 23 24	F. "Criminal justice agency" means a state or local agency that performs the administration of criminal justice, including a court, a law enforcement agency, the Department of the Attorney General, a district attorney's office and a child advocacy center.
25 26 27 28 29	G. "Independent professional dog trainer" means a private dog trainer who provides dog training and dog handler training and who has been approved to be an evaluator of a nationally recognized dog obedience program, which may include the American Kennel Club Canine Good Citizen, Community Canine and Urban Canine Good Citizen programs.
30 31	2. Requirements for courthouse facility dog. In order to be a courthouse facility dog, a dog must be at least 2 years of age and:
32	A. Have graduated from an assistance dog organization training program; or
33	B. Be certified by an independent professional dog trainer as:
34 35 36 37 38	(1) Having completed at least 100 hours of individualized training focused on obedience and the skills needed for providing quiet companionship to a vulnerable witness in a legal setting without causing a disruption in a legal proceeding and demonstrating competence in those skills, including having a calm demeanor, being able to work in a high-stress environment and being able to sit or lie down
39	beside a witness for a minimum of 90 minutes; and

1 2 3	(2) Having successfully completed 3 nationally recognized dog obedience programs, which may include the American Kennel Club Canine Good Citizen, Community Canine and Urban Canine Good Citizen programs.
4 5 6	3. Requirements for courthouse facility dog handler. In order to be a courthouse facility dog handler, an individual must be a professional working in the criminal justice system.
7 8 9	4. Requirements for courthouse facility dog team. In order to be a courthouse facility dog team, a courthouse facility dog handler and the courthouse facility dog that is part of the team must:
10 11 12 13	A. Have completed a minimum of 40 hours of training together as a team in addition to the training for the dog required by subsection 2 in a training program run by an assistance dog organization or with an independent professional dog trainer in skills related to working in public spaces with a wide variety of people and distractions; and
14 15 16 17 18 19	B. Have demonstrated by means of graduating from a training program run by an assistance dog organization or by means of certification by an independent professional dog trainer that the courthouse facility dog team has successfully completed 3 nationally recognized dog obedience programs, which may include the American Kennel Club Canine Good Citizen, Community Canine and Urban Canine Good Citizen programs.
20 21 22 23 24	5. Access to criminal justice agency premises. Except as provided in subsection 6, a criminal justice agency may not exclude from the publicly accessible areas of the agency's premises a courthouse facility dog team or a dog in training to be a courthouse facility dog that is in the presence of a trainer affiliated with an assistance dog organization or an independent professional dog trainer.
25 26 27 28 29 30 31 32 33 34 35	6. Access to courtrooms during proceedings. A courthouse facility dog team may have access to a courtroom during a legal proceeding if authorized by the judicial officer presiding over that proceeding. Either party in a proceeding may request an order from the court to allow a courthouse facility dog to be present with a vulnerable witness, regardless of whether that witness's testimony is in person or by means of 2-way closed-circuit television. The presiding judicial officer may issue the requested order if the presiding judicial officer determines that the courthouse facility dog will aid the vulnerable witness in providing testimony and that aid is consistent with the rules of court. The order may include provisions to preserve the fairness of the proceedings, including by imposing restrictions on and instructing the jury regarding the presence of the courthouse facility dog.
36 37 38	SUMMARY This bill provides a system to allow a trained dog to accompany a witness in courtroom appearances and other interactions where criminal justice is administered.