

## COURTROOM SUPPORT DOG

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<http://www.house.mi.gov/hfa>

**House Bill 5645 as introduced**  
**Sponsor: Rep. Tom Barrett**  
**Committee: Judiciary**  
**Complete to 4-16-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5645 would amend the Revised Judicature Act to allow eligible witnesses who are victims of certain specified crimes to utilize a courtroom support dog when providing testimony at trial.

Currently, a provision in the Revised Judicature Act (RJA) allows a *witness* who is called upon to testify to have a support person sit with, accompany, or be in close proximity to the witness during his or her testimony.

*Witness* is defined as a person under 16 years of age (or older if he or she has a developmental disability), or a vulnerable adult, who is an alleged victim of certain listed crimes, such as child abuse, child sexually abusive materials, or a criminal sexual conduct offense, or, if a vulnerable adult, vulnerable adult abuse, assaultive crimes against a vulnerable adult, or using fraud or deceit to use or obtain a vulnerable adult's money or property.

If a support person will be used, a notice of intent naming the support person must be filed with the court and provided to all parties to the proceeding. A party can object to use of a named support person, and the court must rule on the objection.

The bill would amend the RJA to also allow a witness, as described above, to use a *courtroom support dog* during his or her testimony. *Courtroom support dog* would mean a dog that has been trained and evaluated as a support dog under the Assistance Dogs International Standards for Guide or Service Work and that is repurposed and appropriate for providing emotional support to children and adults within the court or legal system or that has performed the duties of a courtroom support dog prior to the bill's effective date. The courtroom support dog and handler could sit with, or be in close proximity to, the witness during his or her testimony.

Further, the bill would eliminate the current provisions regarding a notice of intent to use a support person and replace them with updated language that includes the use of a courtroom support dog. Under the bill, a notice of intent to use a support person or a courtroom support dog would be required only if either were to be utilized during trial and would not be required for use during any other courtroom proceeding. The notice would have to be filed with the court, be served upon all parties to the proceeding, name the support person or courtroom support dog, identify the relationship the support person has with the witness (if applicable), and give notice to all parties that the witness may request

the support person or dog to sit with him or her when called upon to testify during trial. A court would have to rule on a motion objecting to the use of a named support person or courtroom support dog before the date when the witness desires to use the support person or dog.

An agency that supplies a courtroom dog would convey all responsibility for the dog to the participating prosecutor's office or government entity in charge of the local courtroom support dog program during the period of time the support dog is being utilized by the office or entity.

The bill would take effect 90 days after being enacted.

MCL 600.2163a

**FISCAL IMPACT:**

House Bill 5645 is not expected to have any additional fiscal implications for the judiciary. Insurance policies currently carried by courts and county prosecutor offices will be ample to cover any issues that may arise from a witness utilizing a court therapy dog while providing testimony.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.