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BILL ANALYSIS

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House Bill 5645 (as passed by the House)
Sponsor: Representative Tom Barrett
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-24-18

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Require a court to allow an individual who met certain criteria and who was called upon to testify, to have a courtroom support dog and handler sit with, or be in close proximity to, the witness during his or her testimony.**
- Require a notice of intent to use a courtroom support dog, as currently required for a support person, and specify that a notice of intent would be required only if the person or dog were to be used during trial.**
- Provide that an agency that supplied a courtroom support 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 while it was being used by that office or entity.**

The bill would take effect 90 days after its enactment.

Courtroom Support Dog

The Act allows special accommodations, such as using a support person, for a victim of certain crimes who is under 16 years of age, is 16 or older and has a developmental disability, or is a vulnerable adult. The court must permit such an individual 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.

In addition, the bill would require a court to allow a witness meeting the same criteria who was called upon to testify to have a courtroom support dog and handler sit with, or be in close proximity to, the witness during his or her testimony. "Courtroom support dog" would mean a dog that has been trained and evaluated as a support dog pursuant to the Assistance Dogs International Standards for guide or service work and that is repurposed or 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 before the bill's effective date.

(For an individual who is under 16 years old or an individual who is 16 or older with a developmental disability, special accommodations are allowed for crimes that involve child abuse, child sexually abusive activity or material, or criminal sexual conduct. For an individual who is a vulnerable adult (e.g., a person over 18 who, due to mental illness or developmental disability, lacks the skills to live independently), special accommodations are allowed for

crimes involving home invasion, vulnerable adult abuse, or embezzlement, or an assaultive crime.)

Notice of Intent

The Act requires a notice of intent to use a support person to be filed with the court and served on all parties to the proceeding. The notice must name the support person, identify the relationship the support person has with the witness, and give notice to all parties to the proceeding that the witness may request that the named support person sit with the witness when the witness is called upon to testify during any stage of the proceeding.

Under the bill, the notice of intent would apply to the use of a support person or courtroom support dog, and the notice would be required only if the person or dog were to be used during trial. If a courtroom support dog were used, the notice would have to include the name of the dog. The notice would have to notify all parties that the witness could request that the named person or dog sit with the witness when he or she was 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 desired to use the person or dog, as currently required concerning a support person.

Responsibility for Dog

An agency that supplied a courtroom support 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 while the prosecutor's office or government entity was using the dog.

MCL 600.2163a

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.