

## FLORIDA'S COURT HOUSE THERAPY DOG LAW AMENDED

The bill was signed into law by Florida Governor Rick Scott on April 1, 2014

This expands the original 2011 law to allow therapy dogs in the courtroom on cases involving victims who were under 16 at the time the crime occurred, despite their age at the trial date and also anyone who is intellectually disabled or whom the judge determines is a vulnerable witness.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 92.55, Florida Statutes, is amended to read:

92.55 Judicial or other proceedings involving victim or witness under the age of 16, or person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of registered service or therapy animals.

(1) For purposes of this section, the term: (a) "Sexual offense victim or witness" means a person who was under the age of 16 when he or she was the victim of or a witness to a sexual offense.

(b) "Sexual offense" means any offense specified in s.775.21 (4)(a)1. or s. 943.0435(1)(a)1.a.(I).

(2)(1) Upon motion of any party, upon motion of a parent, guardian, attorney, or guardian ad litem for a victim or witness under the age of 16, a or person who has an intellectual disability, or a sexual offense victim or witness, or upon its own motion, the court may enter any order necessary to protect the such victim or witness in any judicial proceeding or other official proceeding from severe emotional or mental harm due to the presence of the defendant if the victim or witness is required to testify in open court. Such orders must relate to the taking of testimony and include, but are not limited to:

(a) Interviewing or the taking of depositions as part of a civil or criminal proceeding.

(b) Examination and cross-examination for the purpose of qualifying as a witness or testifying in any proceeding.

(c) The use of testimony taken outside of the courtroom, including proceedings under ss. 92.53 and 92.54.

(3)(2) In ruling upon the motion, the court shall consider: (a) The age of the child, the nature of the offense or act, the relationship of the child to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the child as a consequence of the defendant's presence, and any other fact that the court deems relevant; or (b) The age of the person who has an intellectual disability, the functional capacity of such person, the nature of the offenses or act, the relationship of the person to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the person as a consequence of the defendant's presence, and any other fact that the court deems relevant; or (c) The age of the sexual offense victim or witness when the sexual offense occurred, the relationship of the sexual offense victim or witness to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the sexual offense victim or witness as a consequence of the defendant's presence, and any other fact that the court deems relevant.