

## **BILL ANALYSIS**

H.B. 1071  
By: Harris  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The prevalence of therapy dogs in courtrooms has increased in recent years as they can help traumatized victims who, over the course of giving witness testimony, may experience anxiety. In 2019, a federal law was introduced and passed in the Senate to allow certified facility dogs into federal courtrooms for that purpose. However, facility or therapy animals are not allowed in any state courtrooms in Texas. H.B. 1071 seeks to authorize the presence of a qualified facility dog or qualified therapy animal in certain court proceedings to help support Texans and help witnesses feel safe while supporting the justice system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1071 amends the Government Code to authorize a party to an action filed in a court in Texas to petition the court for an order authorizing a qualified facility dog or qualified therapy animal to be present with a witness who is testifying before the court through in-person testimony or closed-circuit video teleconferencing testimony. The bill provides the following with respect to such authorization:

- the court may enter such an order if the presence of the dog or animal will assist the witness in providing testimony and the party petitioning for the order provides proof of liability insurance coverage in effect for the dog or animal;
- the applicable party must petition the court for the order not later than the 14th day before the date of the court proceeding;
- the court may impose restrictions on the presence of the qualified facility dog or qualified therapy animal during the court proceeding and issue instructions to the jury, as applicable, regarding the presence of the dog or animal; and
- a handler who is trained to manage the qualified facility dog or qualified therapy animal must accompany the dog or animal provided for a witness at a court proceeding.

The bill defines "qualified facility dog" and "qualified therapy animal" as follows, respectively:

- as a dog that is a graduate of a program operated by an assistance dog organization that is a member of a nationally recognized assistance dog association; and
- as an animal that successfully completes a program operated by an organization that registers, insures, or certifies a therapy animal and the animal's handler as meeting or exceeding the standards of practice in animal-assisted interventions.

**EFFECTIVE DATE**

September 1, 2021.