

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2375

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-422; AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4442; RELATING TO CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 3, article 7, Arizona Revised Statutes, is
3 amended by adding section 8-422, to read:

4 8-422. Use of a facility dog in court proceedings: definition

5 A. THE COURT SHALL ALLOW A VICTIM WHO IS UNDER EIGHTEEN YEARS OF AGE
6 TO HAVE A FACILITY DOG, IF AVAILABLE, ACCOMPANY THE VICTIM WHILE TESTIFYING
7 IN COURT. A PARTY SEEKING THE USE OF A FACILITY DOG MUST FILE A NOTICE WITH
8 THE COURT THAT INCLUDES THE CERTIFICATION OF THE FACILITY DOG, THE NAME OF
9 THE PERSON OR ENTITY WHO CERTIFIED THE DOG AND EVIDENCE THAT THE FACILITY DOG
10 IS INSURED.

11 B. THE COURT MAY ALLOW A VICTIM WHO IS EIGHTEEN YEARS OF AGE OR MORE
12 OR A WITNESS TO USE A FACILITY DOG.

13 C. TO ENSURE THAT THE PRESENCE OF A FACILITY DOG ASSISTING A VICTIM OR
14 A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A REFLECTION ON THE
15 TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED BY THE VICTIM OR WITNESS, THE
16 COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE FACILITY DOG AND THAT THE
17 FACILITY DOG IS A TRAINED ANIMAL.

18 D. FOR THE PURPOSES OF THIS SECTION, "FACILITY DOG" MEANS A DOG THAT
19 IS A GRADUATE OF AN ASSISTANCE DOG ORGANIZATION THAT IS A MEMBER OF AN
20 ORGANIZATION OR ENTITY WHOSE MAIN PURPOSE IS TO IMPROVE THE AREAS OF
21 TRAINING, PLACEMENT AND UTILIZATION OF ASSISTANCE DOGS, STAFF AND VOLUNTEER
22 EDUCATION AND TO ESTABLISH AND PROMOTE STANDARDS OF EXCELLENCE IN ALL AREAS
23 OF ASSISTANCE DOG ACQUISITION, TRAINING AND PARTNERSHIP.

24 Sec. 2. Title 13, chapter 40, Arizona Revised Statutes, is amended by
25 adding section 13-4442, to read:

26 13-4442. Use of a facility dog in court proceedings: definition

27 A. THE COURT SHALL ALLOW A VICTIM WHO IS UNDER EIGHTEEN YEARS OF AGE
28 TO HAVE A FACILITY DOG, IF AVAILABLE, ACCOMPANY THE VICTIM WHILE TESTIFYING
29 IN COURT. A PARTY SEEKING THE USE OF A FACILITY DOG MUST FILE A NOTICE WITH
30 THE COURT THAT INCLUDES THE CERTIFICATION OF THE FACILITY DOG, THE NAME OF
31 THE PERSON OR ENTITY WHO CERTIFIED THE DOG AND EVIDENCE THAT THE FACILITY DOG
32 IS INSURED.

33 B. THE COURT MAY ALLOW A VICTIM WHO IS EIGHTEEN YEARS OF AGE OR MORE
34 OR A WITNESS TO USE A FACILITY DOG.

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36 A WITNESS DOES NOT INFLUENCE THE JURY OR IS NOT A REFLECTION ON THE
37 TRUTHFULNESS OF ANY TESTIMONY THAT IS OFFERED BY THE VICTIM OR WITNESS, THE
38 COURT SHALL INSTRUCT THE JURY ON THE ROLE OF THE FACILITY DOG AND THAT THE
39 FACILITY DOG IS A TRAINED ANIMAL.

40 D. FOR THE PURPOSES OF THIS SECTION, "FACILITY DOG" MEANS A DOG THAT
41 IS A GRADUATE OF AN ASSISTANCE DOG ORGANIZATION THAT IS A MEMBER OF AN
42 ORGANIZATION OR ENTITY WHOSE MAIN PURPOSE IS TO IMPROVE THE AREAS OF
43 TRAINING, PLACEMENT AND UTILIZATION OF ASSISTANCE DOGS, STAFF AND VOLUNTEER
44 EDUCATION AND TO ESTABLISH AND PROMOTE STANDARDS OF EXCELLENCE IN ALL AREAS
45 OF ASSISTANCE DOG ACQUISITION, TRAINING AND PARTNERSHIP.

1 Sec. 3. Intent

2 It is the intent of the legislature to protect the right of crime
3 victims to be treated with fairness, respect and dignity and to be free from
4 intimidation, harassment or abuse throughout the criminal justice process.
5 The legislature finds that crime victims in this state have a constitutional
6 right to justice and due process, to be treated with fairness, to restitution
7 and to have all rules governing criminal procedure protect victims' rights
8 and to have these rules be subject to amendment or repeal by the legislature
9 to ensure the protection of these rights. Further, the legislature has the
10 constitutional authority to enact substantive and procedural laws to define,
11 implement, preserve and protect the rights guaranteed to victims. Section
12 13-4442, Arizona Revised Statutes, as added by this act, is enacted pursuant
13 to these rights and this constitutional grant of authority.