



Senate Fiscal Agency
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Senate Bill 248 (Substitute S-1 as passed by the Senate)

Sponsor: Senator Dan Lauwers

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 3-28-24

RATIONALE

According to testimony, courtroom support dogs can make testifying in court proceedings easier for victims of abuse or assault. The use of courtroom support dogs helps to calm victims, lower their blood pressure, improve their memory, and ultimately testify more accurately; however, some people believe that provisions of the Revised Judicature Act that govern the use of support dogs in court proceedings unnecessarily limit the use of these animals. For example, the Act only allows victims under 16 years old to use these dogs and requires these dogs to meet specified training standards. It has been suggested that these provisions be modified to expand the use of courtroom support dogs.

CONTENT

The bill would amend Section 2163a of the Revised Judicature Act to increase, from 16 years old to 18 years old, the age at which a witness is no longer eligible for a courtroom support dog during testimony in a court proceeding. The bill also would expand the definition of "courtroom support dog" to include an animal-assisted therapy or facility dog approved by the judge of the court.

The bill would take effect 90 days after its enactment.

Generally, Section 2163a of the Act provides a witness as described below with special considerations in a court proceeding. These considerations include the use of dolls or mannequins during testimony, the accompaniment of a support person or support dog during testimony, and the clearing out and physical rearrangement of the court room.

The Act specifies that Section 2163a applies to a person who is a witness for prosecutions and proceedings of specified crimes. These crimes generally involve the following: 1) child abuse; 2) child sexually abusive activity; 3) criminal sexual conduct (CSC); 4) assault with intent to commit CSC; and 5) home invasion; among other crimes concerning vulnerable adults and unrelated to the bill.

Under the Act, "witness" means an alleged victim of an offense listed above who is any of the following:

- A person under 16 years old.
- A person 16 years old or older with a developmental disability.
- A vulnerable adult.

Instead, under the bill, "witness" would mean an alleged victim of an offense listed above who is any of the following:

- To be eligible for a support person or other considerations, an individual under 16 years old or 16 years old or older with a developmental disability.

- To be eligible for a support dog, an individual under 18 years old or 18 years old or older with a developmental disability.
- A vulnerable adult.

In addition, the Act defines "courtroom support dog" as 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 and appropriate for providing emotional support to children and adults within the court or legal system or a dog that performed the duties of a courtroom support dog before September 27, 2018. Under the bill, the definition also would include an animal-assisted therapy or facility dog approved by the judge of the court.

MCL 600.2163a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Under current statute, a dog that performed the duties of a courtroom support dog before September 27, 2018, may be used as a courtroom support dog; however, after this population of dogs ages out or retires, new dogs must be trained pursuant to the Assistance Dogs International Standards for guide or service work (ADIS) before they can become courtroom support dogs. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, many courts cannot afford to pay for ADIS-trained dogs and instead prefer to use dogs that have been certified through the American Kennel Club (AKC). Reportedly, dogs certified through the AKC undergo extensive training and become excellent courtroom support dogs. The bill's expansion of the definition of "courtroom support dog" would lead to the use of qualified, attainable courtroom service dogs in Michigan courts.

Legislative Analyst: Eleni Lionas

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.