

Legislative Analysis



COURTROOM SUPPORT DOGS

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Senate Bill 248 (H-1) as reported from House committee

Sponsor: Sen. Dan Lauwers

House Committee: Judiciary

Senate Committee: Civil Rights, Judiciary, and Public Safety

Complete to 6-18-24

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 182 of 2024)

SUMMARY:

Senate Bill 248 would amend the Revised Judicature Act to change the age (from under 16 to under 18) of child witnesses who are allowed to be accompanied by a courtroom support dog when testifying. The bill also would allow a dog trained and certified as a therapy dog by a therapy dog organization in Michigan that is recognized by the American Kennel Club to serve as a courtroom support dog.

Section 2163a of the Revised Judicature Act authorizes special arrangements for witnesses in certain situations. Among other considerations, children who are 15 or younger can have a support dog sit with them, or nearby, when testifying as a victim-witness in cases involving child abuse and neglect or physical or sexual assault. The bill would change the applicable age for this provision to 17 or younger.

In addition, the act currently defines *courtroom support dog* as a dog that meets either of the following:

- It has been trained and evaluated as a support dog under Assistance Dogs International standards for guide or service work and is repurposed and appropriate for providing emotional support to children and adults in the court or legal system.
- It performed the duties of a courtroom support dog before September 27, 2018 (the effective date of the public act that expressly authorized use of the dogs in Michigan¹).

The bill would retain the above provisions and additionally provide that a dog that is trained and certified as a therapy dog by a therapy dog organization in Michigan that is recognized by the American Kennel Club can be a *courtroom support dog* under section 2163a.

The bill would take effect 90 days after it is enacted.

MCL 600.2163a

BRIEF DISCUSSION:

Testifying in a courtroom is typically a stressful occasion for anyone. For young or vulnerable victims of abusive, assaultive, or violative crimes, testifying about those traumatic events (and thus, in a sense, reliving them) is often itself very traumatic. Courtroom dogs reduce anxiety and provide a calming point of focus for individuals in these situations. This helps them testify

¹ See <https://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5645-CFEC3FBF.pdf>

more clearly and accurately. At least 20 states, including Michigan, have laws that allow for the use of courtroom dogs in some legal proceedings,² and dogs are also used in several other states that do not specifically provide for them in statute. The bill would extend the availability of the dogs to 16- and 17-year-olds, as described above. It would also allow certified therapy dogs to be used in this role, which would expand the number and kinds of dogs available to courts for this purpose. Currently, only dogs trained as service dogs under Assistance Dogs International standards³ can qualify (except for dogs that were grandfathered in when the enabling legislation was passed). Some have argued that therapy dogs are better suited to the courtroom dog role, as they are prepared to interact with people they encounter, while service dogs are trained to ignore everyone except their owner. Concerns were raised in House committee testimony about whether dogs' handlers should themselves have specific training tailored to a courtroom environment.

FISCAL IMPACT:

Senate Bill 248 would have no fiscal impact on the state or on local units of government.

POSITIONS:

A representative of West Michigan Therapy testified in support of the bill. (10-4-23)

The following entities indicated support for the bill (10-4-23):

- Attorneys for Animals, Inc.
- Michigan Coalition to End Domestic and Sexual Violence
- Michigan Humane
- Michigan Judges Association
- Prosecuting Attorneys of Michigan
- State Bar of Michigan
- State Bar of Michigan Animal Law Section

A representative of Canine Advocates testified in opposition to the bill. (10-4-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

² <https://www.animallaw.info/content/facility-dogscourthouse-support-dogs>

³ https://assistancedogsinternational.org/clientuploads/Summary%20of%20Standards/2024_ADI_Summary_of_Standards.pdf