

STAND. COM. REP. NO. **2670**

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2112  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2112 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN JUDICIAL  
PROCEEDINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
court to use a facility dog in a judicial proceeding if the court  
determines that there is a compelling necessity to facilitate the  
testimony of a vulnerable witness.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney, City and County  
of Honolulu; Office of the Prosecuting Attorney, County of Hawai'i;  
Office of the Prosecuting Attorney, County of Kaua'i; Hawaii Youth  
Services Network; Hawaiian Humane Society; The Children's  
Alliance; and one individual.

Your Committee finds that testifying in court can be an  
unsettling and sometimes terrifying ordeal and the presence of a  
well-trained dog can aid in witness testimony by providing the  
witness with emotional support and comfort in the witness room and  
courtroom. The Department of the Prosecuting Attorney of the City  
and County of Honolulu testified that since 2011, the Department's  
facility dog, Pono, has assisted children and other traumatized  
crime victims during interviews, in witness waiting rooms, and  
occasionally in courtrooms. Although Pono has been allowed to be  
present and accompany children during actual court proceedings,

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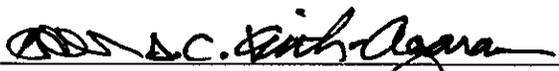
there are no clear and specific criteria for permitting the use of facility dogs in Hawaii's courtrooms. This measure provides authorization and procedures for the use of facility dogs to facilitate the testimony of a vulnerable witness.

However, your Committee has concerns regarding the portion of the definition of "facility dog" that specifies an assistance dog accreditation organization. Your Committee believes that language in the definition needs further discussion in order to use generic terminology to refer to the accreditation organization.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2112, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2112, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                                   |                         |     |          |
|--|-----------------------------------|-------------------------|-----|----------|
| Bill / Resolution No.:*<br><b>SB 2112</b>  | Committee Referral:<br><b>JDL</b> | Date:<br><b>2/29/16</b> |     |          |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                                   |                         |     |          |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                                   |                         |     |          |
| Members  | Aye                               | Aye (WR)                | Nay | Excused  |
| KEITH-AGARAN, Gilbert S.C. (C)   | /                                 |                         |     |          |
| SHIMABUKURO, Maile S.L. (VC)   | /                                 |                         |     |          |
| GABBARD, Mike  | /                                 |                         |     |          |
| KAHELE, Kaiali'i   | /                                 |                         |     |          |
| KIM, Donna Mercado   |                                   |                         |     | /        |
| THIELEN, Laura H.  | /                                 |                         |     |          |
| SLOM, Sam  | /                                 |                         |     |          |
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| <b>TOTAL</b>   | <b>6</b>                          |                         |     | <b>1</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                   |                         |     |          |
| Chair's or Designee's Signature:   |                                   |                         |     |          |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy   |                                   |                         |     |          |

\*Only one measure per Record of Votes