

**SENATE BILL No. 239**

By Committee on Judiciary

2-10

1 AN ACT concerning criminal procedure; providing that certain witnesses  
2 shall have the right to be accompanied by a support person during  
3 testimony and may be accompanied by a certified critical incident  
4 response therapy K9 team.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) In any criminal proceeding, a vulnerable witness:

8 (1) Shall have the right to be accompanied by a support person while  
9 giving testimony in the proceeding; and

10 (2) may be accompanied by a certified critical incident response  
11 therapy K9 team instead of a support person.

12 (b) A support person shall not discuss the testimony of the vulnerable  
13 witness with any other witnesses or attempt to prompt or influence the  
14 testimony of the witness.

15 (c) (1) Prior to the use of a certified critical incident response therapy  
16 K9 team, the court may conduct a hearing to verify:

17 (A) The credentials of the team;

18 (B) that the team is appropriately insured; and

19 (C) that a relationship has been established between the witness and  
20 the team in anticipation of testimony.

21 (2) A handler trained to manage a dog in a certified critical incident  
22 response therapy K9 team shall accompany the dog when attending a court  
23 proceeding. The handler and the dog shall have been paired, bonded and  
24 performing the duties of a certified critical incident response therapy K9  
25 team for not less than one year prior to appearing in any criminal  
26 proceeding. The handler shall be:

27 (A) Informed of the policies and procedures of court proceedings;

28 (B) knowledgeable on how not to interfere with evidence collection  
29 or the effective administration of justice; and

30 (C) aware of and capable of handling the mental strain and trauma  
31 that may result from participating in the court proceeding.

32 (3) The team shall be trained by a reputable program that is supported  
33 and insured by a nationally recognized organization providing standards of  
34 excellence in all areas of dog acquisition, training, placement and critical  
35 incident response and maintain continual training and certification on an  
36 annual basis.

1 (d) As used in this section:

2 (1) "Certified critical incident response therapy K9 team" means a  
3 dog and a handler that have graduated from an accredited independent or  
4 third-party program designed to provide emotional comfort in a high-stress  
5 environment.

6 (2) "Support person" means a parent, relative or a next friend chosen  
7 by the witness to accompany the witness to criminal proceedings.

8 (3) "Vulnerable witness" means a minor or a dependent adult or elder  
9 person as defined in K.S.A. 2022 Supp. 21-5417, and amendments thereto,  
10 whose testimony is desired in any proceeding or investigation by a grand  
11 jury or in a criminal action, prosecution or proceeding governed by the  
12 Kansas code of criminal procedure.

13 (e) This section shall be a part of and supplemental to the Kansas  
14 code of criminal procedure.

15 Sec. 2. This act shall take effect and be in force from and after its  
16 publication in the statute book.