

**By** the Committees on Judiciary; and Criminal Justice; and  
Senator Fasano

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1                               A bill to be entitled  
2       An act relating to sexual offenses; providing a short  
3       title; amending s. 90.404, F.S.; revising offenses  
4       that are considered "child molestation" for purposes  
5       of admitting evidence of other crimes, wrongs, or acts  
6       in a criminal case involving child molestation;  
7       providing for admission of evidence of other crimes,  
8       wrongs, or acts in cases involving a sexual offense;  
9       defining the term "sexual offense"; requiring certain  
10      property or material that is used in a criminal  
11      proceeding to remain in the care, custody, and control  
12      of the law enforcement agency, the state attorney, or  
13      the court; prohibiting the reproduction of such  
14      property or material by the defendant when specified  
15      criteria are met by the state attorney; permitting  
16      access to the materials by the defendant; amending s.  
17      395.1021, F.S.; requiring a licensed facility that  
18      provides emergency room services to arrange for the  
19      gathering of forensic medical evidence required for  
20      investigation and prosecution from a victim who has  
21      reported a sexual battery to a law enforcement agency  
22      or who requests that such evidence be gathered for a  
23      possible future report; amending s. 775.15, F.S.;  
24      providing that a prosecution for video voyeurism in  
25      violation of specified provisions may, in addition to  
26      existing time periods, be commenced within 1 year  
27      after the victim of video voyeurism obtains actual  
28      knowledge of the existence of such a recording or the  
29      recording is confiscated by a law enforcement agency,

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30       whichever occurs first; providing that dissemination  
31       of a recording before such knowledge or confiscation  
32       does not affect such a time period; amending s.  
33       794.052, F.S.; requiring a law enforcement officer to  
34       provide or arrange for transportation of a victim of  
35       sexual battery to an appropriate facility for medical  
36       treatment or forensic examination; providing for a  
37       review of a police officer's final report by a victim  
38       and an opportunity for a statement by a victim;  
39       amending ss. 794.056 and 938.085, F.S.; requiring that  
40       an additional court cost or surcharge be assessed  
41       against a defendant who pleads guilty or nolo  
42       contendere to, or is found guilty of, regardless of  
43       adjudication, certain criminal offenses; providing for  
44       proceeds of the additional court cost or surcharge to  
45       be deposited into the Rape Crisis Program Trust Fund;  
46       reenacting s. 20.435(21)(a), F.S., relating to the  
47       Rape Crisis Program Trust Fund, to incorporate the  
48       amendment made to s. 794.056, F.S., in a reference  
49       thereto; reenacting s. 794.055(3)(b), F.S., relating  
50       to access to services for victims of sexual battery,  
51       to incorporate the amendment made to s. 938.085, F.S.,  
52       in a reference thereto; amending s. 960.003, F.S.;  
53       providing for hepatitis testing of persons charged  
54       with certain offenses; amending s. 960.198, F.S.;  
55       authorizing relocation assistance awards to certain  
56       victims of sexual violence; amending s. 1003.42, F.S.;  
57       requiring that public schools provide comprehensive  
58       health education that addresses concepts of Internet

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safety; amending s. 92.55, F.S.; authorizing a court to use registered service or therapy animals to aid children in giving testimony in judicial or other proceedings involving a sexual offense when appropriate; requiring the court to consider certain factors before permitting such testimony; requiring that such registered service or therapy animals be evaluated and registered according to national standards; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Walk in Their Shoes Act."

Section 2. Subsection (2) of section 90.404, Florida Statutes, is amended to read:

90.404 Character evidence; when admissible.—

(2) OTHER CRIMES, WRONGS, OR ACTS.—

(a) Similar fact evidence of other crimes, wrongs, or acts is admissible when relevant to prove a material fact in issue, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, but it is inadmissible when the evidence is relevant solely to prove bad character or propensity.

(b)1. In a criminal case in which the defendant is charged with a crime involving child molestation, evidence of the defendant's commission of other crimes, wrongs, or acts of child molestation is admissible~~7~~ and may be considered for its bearing on any matter to which it is relevant.

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2. For the purposes of this paragraph, the term "child molestation" means conduct proscribed by s. 787.025(2)(c), s. 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s. 796.035, s. 796.045, s. 800.04, s. 827.071, ~~or~~ s. 847.0135(5), s. 847.0145, or s. 985.701(1) when committed against a person 16 years of age or younger.

(c)1. In a criminal case in which the defendant is charged with a sexual offense, evidence of the defendant's commission of other crimes, wrongs, or acts involving a sexual offense is admissible and may be considered for its bearing on any matter to which it is relevant.

2. For the purposes of this paragraph, the term "sexual offense" means conduct proscribed by s. 787.025(2)(c), s. 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s. 796.035, s. 796.045, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1).

(d)~~(e)~~1. When the state in a criminal action intends to offer evidence of other criminal offenses under paragraph (a), ~~or~~ paragraph (b), or paragraph (c), no fewer than 10 days before trial, the state shall furnish to the defendant or to the defendant's counsel a written statement of the acts or offenses it intends to offer, describing them with the particularity required of an indictment or information. No notice is required for evidence of offenses used for impeachment or on rebuttal.

2. When the evidence is admitted, the court shall, if requested, charge the jury on the limited purpose for which the evidence is received and is to be considered. After the close of the evidence, the jury shall be instructed on the limited purpose for which the evidence was received and that the

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defendant cannot be convicted for a charge not included in the indictment or information.

Section 3. Prohibition on reproduction of child pornography.—

(1) In a criminal proceeding, any property or material that portrays sexual performance by a child as defined in s. 827.071, Florida Statutes, or constitutes child pornography as defined in s. 847.001, Florida Statutes, must remain secured or locked in the care, custody, and control of a law enforcement agency, the state attorney, or the court.

(2) Notwithstanding any law or rule of court, a court shall deny, in a criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that portrays sexual performance by a child or constitutes child pornography so long as the state attorney makes the property or material reasonably available to the defendant.

(3) For purposes of this section, property or material is deemed to be reasonably available to the defendant if the state attorney provides ample opportunity at a designated facility for the inspection, viewing, and examination of the property or material that portrays sexual performance by a child or constitutes child pornography by the defendant, his or her attorney, or any individual whom the defendant uses as an expert during the discovery process or at a court proceeding.

Section 4. Subsection (2) of section 395.1021, Florida Statutes, is amended to read:

395.1021 Treatment of sexual assault victims.—Any licensed facility which provides emergency room services shall arrange

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for the rendering of appropriate medical attention and treatment of victims of sexual assault through:

(2) The ~~administration of medical examinations, tests, and analyses required by law enforcement personnel in the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report.~~

Such licensed facility shall also arrange for the protection of the victim's anonymity while complying with the laws of this state and may encourage the victim to notify law enforcement personnel and to cooperate with them in apprehending the suspect.

Section 5. Subsection (17) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(17) In addition to the time periods prescribed in this section, a prosecution for video voyeurism in violation of s. 810.145 may be commenced within 1 year after the date on which the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the date on which the recording is confiscated by a law enforcement agency, whichever occurs first. Any dissemination of such a recording before the victim obtains actual knowledge thereof or before its confiscation by a law enforcement agency does not affect any provision of this subsection.

Section 6. Subsection (1) of section 794.052, Florida

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Statutes, is amended to read:

794.052 Sexual battery; notification of victim's rights and services.—

(1) A law enforcement officer who investigates an alleged sexual battery shall:

(a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.

(b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.

(c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.

Section 7. Section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided ~~defined~~ in s. 775.21(6) and

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(10) (a), (b), and (g), s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s. 787.01(3), s. 787.02(3), s. 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s. 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, s. 796.06, s. 796.07(2) (a)-(d) and (i), s. 800.03, s. 800.04, s. 810.14, s. 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s. 827.071, s. 836.10, s. 847.0133, s. 847.0135(2), s. 847.0137, s. 847.0145, s. 943.0435(4) (c), (7), (8), (9) (a), (13), and (14) (c), or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

(2) The Department of Health shall establish by rule criteria consistent with the provisions of s. 794.055(3) (a) for distributing moneys from the trust fund to rape crisis centers.

Section 8. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10) (a), (b), and (g), s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s. 787.01(3), s. 787.02(3), 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s. 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, s. 796.06, s. 796.07(2) (a)-(d) and (i), s. 800.03, s. 800.04, s. 810.14, s. 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.

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233 827.071, s. 836.10, s. 847.0133, s. 847.0135(2), s. 847.0137, s.  
234 847.0145, s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
235 (14)(c), or s. 985.701(1), the court shall impose a surcharge of  
236 \$151. Payment of the surcharge shall be a condition of  
237 probation, community control, or any other court-ordered  
238 supervision. The sum of \$150 of the surcharge shall be deposited  
239 into the Rape Crisis Program Trust Fund established within the  
240 Department of Health by chapter 2003-140, Laws of Florida. The  
241 clerk of the court shall retain \$1 of each surcharge that the  
242 clerk of the court collects as a service charge of the clerk's  
243 office.

244 Section 9. For the purpose of incorporating the amendment  
245 made by this act to section 794.056, Florida Statutes, in a  
246 reference thereto, paragraph (a) of subsection (21) of section  
247 20.435, Florida Statutes, is reenacted to read:

248 20.435 Department of Health; trust funds.—The following  
249 trust funds shall be administered by the Department of Health:

250 (21) Rape Crisis Program Trust Fund.

251 (a) Funds to be credited to and uses of the trust fund  
252 shall be administered in accordance with the provisions of s.  
253 794.056.

254 Section 10. For the purpose of incorporating the amendment  
255 made by this act to section 938.085, Florida Statutes, in a  
256 reference thereto, paragraph (b) of subsection (3) of section  
257 794.055, Florida Statutes, is reenacted to read:

258 794.055 Access to services for victims of sexual battery.—

259 (3)

260 (b) Funds received under s. 938.085 shall be used to  
261 provide sexual battery recovery services to victims and their

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families. Funds shall be distributed to rape crisis centers based on an allocation formula that takes into account the population and rural characteristics of each county. No more than 15 percent of the funds shall be used by the statewide nonprofit association for statewide initiatives. No more than 5 percent of the funds may be used by the department for administrative costs.

Section 11. Section 960.003, Florida Statutes, is amended to read:

960.003 Hepatitis and HIV testing for persons charged with or alleged by petition for delinquency to have committed certain offenses; disclosure of results to victims.—

(1) LEGISLATIVE INTENT.—The Legislature finds that a victim of a criminal offense which involves the transmission of body fluids, or which involves certain sexual offenses in which the victim is a minor, disabled adult, or elderly person, is entitled to know at the earliest possible opportunity whether the person charged with or alleged by petition for delinquency to have committed the offense has tested positive for hepatitis or human immunodeficiency virus (HIV) infection. The Legislature finds that to deny victims access to hepatitis and HIV test results causes unnecessary mental anguish in persons who have already suffered trauma. The Legislature further finds that since medical science now recognizes that early diagnosis is a critical factor in the treatment of hepatitis and HIV infection, both the victim and the person charged with or alleged by petition for delinquency to have committed the offense benefit from prompt disclosure of hepatitis and HIV test results.

(2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION

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291 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

292 (a) In any case in which a person has been charged by  
293 information or indictment with or alleged by petition for  
294 delinquency to have committed any offense enumerated in s.  
295 775.0877(1)(a)-(n), which involves the transmission of body  
296 fluids from one person to another, upon request of the victim or  
297 the victim's legal guardian, or of the parent or legal guardian  
298 of the victim if the victim is a minor, the court shall order  
299 such person to undergo hepatitis and HIV testing within 48 hours  
300 after ~~of~~ the information or indictment is filed ~~court order~~. In  
301 the event the victim or, if the victim is a minor, the victim's  
302 parent or legal guardian, requests hepatitis and HIV testing  
303 after 48 hours have elapsed from the filing of the indictment or  
304 information, the testing shall be done within 48 hours after the  
305 request.

306 (b) However, when a victim of any sexual offense enumerated  
307 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the  
308 offense was committed or when a victim of any sexual offense  
309 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled  
310 adult or elderly person as defined in s. 825.1025 regardless of  
311 whether the offense involves the transmission of bodily fluids  
312 from one person to another, then upon the request of the victim  
313 or the victim's legal guardian, or of the parent or legal  
314 guardian, the court shall order such person to undergo hepatitis  
315 and HIV testing within 48 hours after ~~of~~ the information or  
316 indictment is filed ~~court order~~. In the event the victim or, if  
317 the victim is a minor, the victim's parent or legal guardian,  
318 requests hepatitis and HIV testing after 48 hours have elapsed  
319 from the filing of the indictment or information, the testing

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shall be done within 48 hours after the request. The testing shall be performed under the direction of the Department of Health in accordance with s. 381.004. The results of a hepatitis and ~~an~~ HIV test performed on a defendant or juvenile offender pursuant to this subsection shall not be admissible in any criminal or juvenile proceeding arising out of the alleged offense.

(c) If medically appropriate, followup HIV testing shall be provided when testing has been ordered under paragraph (a) or paragraph (b). The medical propriety of followup HIV testing shall be based upon a determination by a physician and does not require an additional court order. Notification to the victim, or to the victim's parent or legal guardian, and to the defendant of the results of each followup test shall made be as soon as practicable in accordance with this section.

(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed no later than 2 weeks after the court receives such results, under the direction of the Department of Health, to the person charged with or alleged by petition for delinquency to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(n), which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. When the victim is a victim as described in paragraph (2)(b), the test results must

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also be disclosed no later than 2 weeks after the court receives such results, to the person charged with or alleged by petition for delinquency to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the offense involves the transmission of bodily fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim, and to public health agencies pursuant to s. 775.0877. Otherwise, hepatitis and HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to any other person except as expressly authorized by law or court order.

(b) At the time that the results are disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of a victim if the victim is a minor, the same immediate opportunity for face-to-face counseling which must be made available under s. 381.004 to those who undergo hepatitis and HIV testing shall also be afforded to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor.

(4) POSTCONVICTION TESTING.—If, for any reason, the testing requested under subsection (2) has not been undertaken, then upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order the offender to undergo hepatitis and HIV testing following conviction or delinquency adjudication. The testing shall be performed under the direction

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of the Department of Health, and the results shall be disclosed in accordance with the provisions of subsection (3).

(5) EXCEPTIONS.—~~The provisions of~~ Subsections (2) and (4) do not apply if:

(a) The person charged with or convicted of or alleged by petition for delinquency to have committed or been adjudicated delinquent for an offense described in subsection (2) has undergone hepatitis and HIV testing voluntarily or pursuant to procedures established in s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or rule providing for hepatitis and HIV testing of criminal defendants, inmates, or juvenile offenders, subsequent to his or her arrest, conviction, or delinquency adjudication for the offense for which he or she was charged or alleged by petition for delinquency to have committed; and

(b) The results of such hepatitis and HIV testing have been furnished to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor.

(6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT; DISCLOSURE.—In any case in which a person convicted of or adjudicated delinquent for an offense described in subsection (2) has not been tested under subsection (2), but undergoes hepatitis and HIV testing during his or her incarceration, detention, or placement, the results of the initial hepatitis and HIV testing shall be disclosed in accordance with ~~the provisions of~~ subsection (3). Except as otherwise requested by the victim or the victim's legal guardian, or the parent or guardian of the victim if the victim is a minor, if the initial test is conducted within the first year of the imprisonment, detention, or placement, the request for disclosure shall be

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407 considered a standing request for any subsequent hepatitis and  
408 HIV test results obtained within 1 year after the initial  
409 hepatitis and HIV test are performed, and need not be repeated  
410 for each test administration. Where the inmate or juvenile  
411 offender has previously been tested pursuant to subsection (2)  
412 the request for disclosure under this subsection shall be  
413 considered a standing request for subsequent hepatitis and HIV  
414 results conducted within 1 year of the test performed pursuant  
415 to subsection (2). If the hepatitis and HIV testing is performed  
416 by an agency other than the Department of Health, that agency  
417 shall be responsible for forwarding the test results to the  
418 Department of Health for disclosure in accordance with the  
419 provisions of subsection (3). This subsection shall not be  
420 limited to results of hepatitis and HIV tests administered  
421 subsequent to June 27, 1990, but shall also apply to the results  
422 of all hepatitis and HIV tests performed on inmates convicted of  
423 or juvenile offenders adjudicated delinquent for sex offenses as  
424 described in subsection (2) during their incarceration,  
425 detention, or placement prior to June 27, 1990.

426 Section 12. Section 960.198, Florida Statutes, is amended  
427 to read:

428 960.198 Relocation assistance for victims of domestic  
429 violence and sexual violence.—

430 (1) Notwithstanding the criteria set forth in s. 960.13 for  
431 crime victim compensation awards, the department may award a  
432 one-time payment of up to \$1,500 on any one claim and a lifetime  
433 maximum of \$3,000 to a victim of domestic violence who needs  
434 immediate assistance to escape from a domestic violence  
435 environment or to a victim of sexual violence who reasonably

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436 fears for her or his safety.

437 (2) In order for an award to be granted to a victim for  
438 relocation assistance:

439 (a) There must be proof that a domestic violence or sexual  
440 violence offense was committed;

441 (b) The domestic violence or sexual violence offense must  
442 be reported to the proper authorities;

443 (c) The victim's need for assistance must be certified by a  
444 certified domestic violence center or a certified rape crisis  
445 center in this state; and

446 (d) The center certification must assert that the victim is  
447 cooperating with law enforcement officials, if applicable, and  
448 must include documentation that the victim has developed a  
449 safety plan.

450 Section 13. Paragraph (n) of subsection (2) of section  
451 1003.42, Florida Statutes, is amended to read:

452 1003.42 Required instruction.—

453 (2) Members of the instructional staff of the public  
454 schools, subject to the rules of the State Board of Education  
455 and the district school board, shall teach efficiently and  
456 faithfully, using the books and materials required that meet the  
457 highest standards for professionalism and historic accuracy,  
458 following the prescribed courses of study, and employing  
459 approved methods of instruction, the following:

460 (n) Comprehensive health education that addresses concepts  
461 of community health; consumer health; environmental health;  
462 family life, including an awareness of the benefits of sexual  
463 abstinence as the expected standard and the consequences of  
464 teenage pregnancy; mental and emotional health; injury

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prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Section 14. Section 92.55, Florida Statutes, is amended to read:

92.55 Judicial or other proceedings involving victim or witness under the age of 16 or person with mental retardation; special protections; use of registered service or therapy animals.—

(1) Upon motion of any party, upon motion of a parent, guardian, attorney, or guardian ad litem for a child under the age of 16 or person with mental retardation, or upon its own motion, the court may enter any order necessary to protect a child under the age of 16 or person with mental retardation who is a victim or witness in any judicial proceeding or other official proceeding from severe emotional or mental harm due to the presence of the defendant if the child or person with mental retardation is required to testify in open court. Such orders shall relate to the taking of testimony and shall include, but

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not be limited to:

(a) Interviewing or the taking of depositions as part of a civil or criminal proceeding.

(b) Examination and cross-examination for the purpose of qualifying as a witness or testifying in any proceeding.

(c) The use of testimony taken outside of the courtroom, including proceedings under ss. 92.53 and 92.54.

(2) In ruling upon the motion, the court shall take into consideration:

(a) The age of the child, the nature of the offense or act, the relationship of the child to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the child as a consequence of the defendant's presence, and any other fact that the court deems relevant; or

(b) The age of the person with mental retardation, the functional capacity of the person with mental retardation, the nature of the offenses or act, the relationship of the person with mental retardation to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the person with mental retardation as a consequence of the defendant's presence, and any other fact that the court deems relevant.

(3) In addition to such other relief as is provided by law, the court may enter orders limiting the number of times that a child or person with mental retardation may be interviewed, prohibiting depositions of a child or person with mental retardation, requiring the submission of questions prior to examination of a child or person with mental retardation,

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523 setting the place and conditions for interviewing a child or  
524 person with mental retardation or for conducting any other  
525 proceeding, or permitting or prohibiting the attendance of any  
526 person at any proceeding. The court shall enter any order  
527 necessary to protect the rights of all parties, including the  
528 defendant in any criminal action.

529 (4) The court may set any other conditions on the taking of  
530 testimony by children which it finds just and appropriate,  
531 including the use of a registered service or therapy animal in  
532 any proceeding involving a sexual offense. When deciding whether  
533 to permit a child to testify with the assistance of a registered  
534 service or therapy animal, the court shall take into  
535 consideration the age of the child, the interests of the child,  
536 the rights of the parties to the litigation, and any other  
537 relevant factor that would aid in the facilitation of testimony  
538 by the child. Each registered service or therapy animal shall be  
539 evaluated and registered according to national standards.

540 Section 15. This act shall take effect July 1, 2011.