

Bill No.: SF0100 **Effective:** 7/1/2025

LSO No.: 25LSO-0597

Enrolled Act No.: SEA No. 0067

Chapter No.: 124

Prime Sponsor: Schuler

Catch Title: **Child witnesses-courtroom procedures.**

Has Report: No

Subject: Specifying procedures for children to testify in court.

Summary/Major Elements:

- This act establishes procedures by which a child victim (younger than age eighteen (18)) may testify in court outside the presence of the jury and outside the presence of the defendant.
- Before allowing a child to testify remotely, the court must hold a hearing and find that having the child testify in the courtroom would cause more than de minimis emotional distress to the child and that remote testimony is necessary to protect the child's welfare.
- Under this act, the court may exclude the defendant from being physically present if the defendant's presence would be substantially likely to cause substantial emotional distress to the child and is substantially likely to impair the child's ability to communicate.
- If the defendant is excluded, the child must testify via two-way closed-circuit television or other secure technology, and the testimony must be displayed in real time on a monitor that displays the courtroom and the defendant. The court must also provide for the instantaneous, real-time communication between the defendant and the defendant's attorney and grant reasonable recesses for consultation.
- The court may exclude the jury from the courtroom during the child's testimony if the court finds that the child will suffer substantial emotional distress due to the jury's presence. The court must televise the testimony to the jury in real time.
- This act specifies accommodations that the court may provide to the child if the child is a victim in a specified sex-related offense.
- The act amends current law concerning the use of videotape depositions in lieu of testimony to account for the remote testimony options provided in this act.

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