

SECOND REGULAR SESSION

HOUSE BILL NO. 1611

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIXON (Sponsor), WASSON, GRISAMORE, YAEGER, SANDER, DOUGHERTY, RUESTMAN, COOPER (155), NORR AND SCHOELLER (Co-sponsors).

Read 1st time January 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4146L.01I

AN ACT

To amend chapter 491, RSMo, by adding thereto one new section relating to a children's bill of courtroom rights.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 491, RSMo, is amended by adding thereto one new section, to be
2 known as section 491.725, to read as follows:

**491.725. In order to protect children from confusing, even abusive practices while
2 testifying in court, and in order to facilitate testimony that is fair and accurate, the
3 following children's bill of courtroom rights shall apply to all children testifying in court:**

4 **(1) A child testifying in court has the right to understand the oath which is being
5 administered to such child. Whether a competency hearing or a trial itself, any oath that
6 is required of a child shall be administered in a developmentally appropriate manner;**

7 **(2) A child testifying in court has the right to understand all the questions asked
8 of such child. Accordingly, judges and attorneys shall question children in a
9 developmentally and linguistically appropriate manner;**

10 **(3) A child has a right to testify at a time of day when such child is best able to
11 understand the questions and otherwise handle the stresses of testifying. Accordingly,
12 courts shall take into consideration nap time, medications, and other factors that influence
13 a child's ability to testify;**

14 **(4) A child has a right to a comfort item when testifying;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **(5) A child has a right to the presence of a support person when testifying. The**
16 **location of the support person shall be dictated by the needs of the child;**

17 **(6) A child has a right to be questioned in a manner that is neither intimidating nor**
18 **frightening. Accordingly, counsel shall not raise their voices when questioning a child or**
19 **presenting argument or otherwise engage in conduct that a child may interpret as an angry**
20 **confrontation; and**

21 **(7) A child has a right to be comfortable when testifying. Accordingly, the**
22 **courtroom shall be adjusted to meet the child's needs, such as providing a pillow for a**
23 **small child so the child can see over the witness box, providing a foot stool to prevent the**
24 **child's feet from dangling in the air, or any other reasonable accommodation to make the**
25 **child feel comfortable.**

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