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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3002

03/12/2014 Authored by Winkler

The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy

1.1 A bill for an act
1.2 relating to witness testimony; providing for manner of child testimony; proposing
1.3 coding for new law in Minnesota Statutes, chapter 595.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[595.065] CHILD WITNESS TESTIMONY.**

1.6 Subdivision 1. **Definitions.** For the purposes of this section, "child" means a person
1.7 under the age of 18.

1.8 Subd. 2. **Child witness testimony.** When a child is to testify in a proceeding, the
1.9 court shall conduct the proceedings in a manner that addresses the rights of the defendant
1.10 and the well-being of the child. In the interests of the child witness, the court may:

1.11 (1) administer an oath to the child in a manner that allows the child to understand the
1.12 duty to tell the truth according to the child's developmental level;

1.13 (2) explain to the child prior to the initiation of testimony that the child may notify
1.14 the court if the child does not understand a question;

1.15 (3) rephrase, or request the attorney to rephrase, a question asked of the child to
1.16 ensure the child understands the question and is able to answer that question completely;

1.17 (4) allow for recesses during the child's testimony when necessary for the energy,
1.18 comfort, or attention span of the child;

1.19 (5) permit the child to have a comfort item in the child's possession while testifying,
1.20 upon the request of the party calling the child witness, unless the court finds that granting the
1.21 motion is likely to unfairly prejudice the trier of fact in evaluating the child's testimony; and

1.22 (6) allow the child witness to request a supportive person, whether or not the person is
1.23 a witness in the case, during the testimony of the child, unless the court finds that granting
1.24 the motion is likely to unfairly prejudice the trier of fact in evaluating the child's testimony.

- 2.1 **EFFECTIVE DATE.** This section applies to all trials or testimonial proceedings
- 2.2 commenced on or after August 1, 2014.