

SENATE FILE NO. SF0100

Child witnesses-courtroom procedures.

Sponsored by: Senator(s) Schuler, Brennan, Crago and Gierau
and Representative(s) Angelos, Heiner and
Larsen, L

A BILL

for

1 AN ACT relating to criminal procedure; specifying and
2 amending procedures for children to testify in specified
3 criminal cases outside the presence of the defendant and
4 the jury; specifying accommodations that may be provided to
5 children testifying in specified criminal cases; making
6 conforming amendments; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-11-409 is created to read:

11

12 **7-11-409. Testimony from child witnesses;**
13 **accommodations.**

14

1 (a) In any case in which the defendant is charged
2 with incest as defined in W.S. 6-4-402(a) or sexual assault
3 as defined in W.S. 6-2-302 through 6-2-304 and 6-2-314
4 through 6-2-317 and a child less than sixteen (16) years of
5 age is the victim, the court may allow the child to testify
6 remotely, outside the presence of the defendant or the
7 jury, in accordance with all of the following:

8

9 (i) Before permitting the child to testify
10 remotely under this subsection, the court shall hold a
11 hearing and shall find that the child testifying in the
12 courtroom would cause the child to suffer more than de
13 minimis emotional distress and that remote testimony by the
14 child is necessary to protect the welfare of the child;

15

16 (ii) The court may exclude the defendant from
17 being physically present in the same room as the child
18 during the child's testimony if the court finds that the
19 presence of the defendant in the same room as the child is
20 substantially likely to cause substantial emotional
21 distress to the child and that the emotional distress is
22 substantially likely to impair the ability of the child to
23 communicate;

1

2 (iii) If the defendant is excluded under
3 paragraph (ii) of this subsection, the child shall testify
4 by way of a two (2) way closed circuit television or other
5 appropriate secure technology. The testimony of the child
6 shall be televised live in the courtroom, and
7 simultaneously the room in which the child is testifying
8 shall have a monitor that displays a view of the courtroom
9 and that displays the defendant;

10

11 (iv) The defendant may waive the right to have
12 the defendant's image televised in the room in which the
13 child is testifying;

14

15 (v) If the defendant is excluded from the room
16 in which the child is testifying, the court:

17

18 (A) Shall provide for instantaneous,
19 real-time communication between the defendant and the
20 defendant's attorney;

21

1 (B) Shall grant reasonable court recesses
2 during the testimony for consultation between the defendant
3 and the defendant's attorney;

4

5 (C) May communicate by audio system with
6 attorneys outside of the courtroom.

7

8 (vi) If, on the motion of the district attorney
9 and outside the presence of the jury, the court
10 specifically finds that the child will suffer substantial
11 emotional distress that will impair the child's ability to
12 communicate due to the presence of the jury, the court may
13 exclude the jury from the room in which the child is
14 testifying. The testimony of the child shall be televised
15 at the same time to the courtroom by closed circuit
16 television or other real-time audio and video technology.

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18 (b) In any case in which the defendant is charged
19 with incest as defined in W.S. 6-4-402(a), sexual assault
20 as defined in W.S. 6-2-302 through 6-2-304 and 6-2-314
21 through 6-2-317, human trafficking as defined in W.S.
22 6-2-701 through 6-2-703 or a violent felony as defined by
23 W.S. 6-1-104(a)(xii) and a child less than sixteen (16)

1 years of age is the victim, the court may, on its own
2 motion or upon a motion by a party, provide any of the
3 following accommodations to the child:

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5 (i) To be addressed, asked questions and read
6 the oath or affirmation to testify truthfully in an
7 age-appropriate manner;

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9 (ii) To be free of nuisance or harassing tactics
10 in the proceeding;

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12 (iii) To have a person who would contribute to
13 the well-being of the child present, clearly visible and in
14 close proximity, if the person is not and will not be a
15 witness in the proceeding;

16

17 (iv) To have sufficient breaks in the
18 proceedings to allow for the comfort of the child;

19

20 (v) To have a certified therapeutic dog, an item
21 used to provide psychological comfort, or both, present in
22 the room with the child.

23

1 **Section 2.** W.S. 7-11-408(h) and by creating a new
2 subsection (j) is amended to read:

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4 **7-11-408. Videotape depositions.**

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6 (h) If the prosecutor elects to utilize a videotaped
7 deposition pursuant to this section, the child will not or
8 is unable to provide live testimony in accordance with W.S.
9 7-11-409 and the videotape has been taken and is
10 admissible, the child may not testify in court without the
11 consent of the defendant.

12

13 (j) The court may provide for the child to testify
14 under the conditions specified in W.S. 7-11-409 in lieu of
15 a videotaped deposition under this section. Nothing in this
16 subsection shall be construed to affect the accommodations
17 available under W.S. 7-11-409(b) for the child.

18

19 **Section 3.** This act is effective July 1, 2025.

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(END)