

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:

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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 eighteen (18) years  
5 of age is the victim, the court may allow the child to  
6 testify remotely, outside the presence of the defendant or  
7 the jury, in accordance with all of the following:

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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;

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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;

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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;

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

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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;

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

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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 eighteen (18)

1 years of age is the victim, the court may, on its own  
2 motion or upon a motion by a party, provide reasonable  
3 accommodations to the child, including but not limited to  
4 the following:

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

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

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

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

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

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

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5           7-11-408. Videotape depositions.

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

13

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

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

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22 (END)