

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Gottlieb offered the following:

Amendment (with title amendment)

Remove lines 70-159 and insert:

(3) In ruling upon a the motion filed under this section,
the court may shall consider:

(a) The age of the victim or witness. ~~child,~~

(b) The nature of the offense or act..

(c) The complexity of the issues involved.

(d) The relationship of the victim or witness ~~child~~ to the
parties in the case or to the defendant in a criminal action..

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12 (e) The degree of emotional or mental harm ~~trauma~~ that
13 will result ~~to the child~~ as a consequence of the examination,
14 interview, or testimony. ~~defendant's presence, and~~

15 (f) The functional capacity of the victim or witness if he
16 or she has an intellectual disability.

17 (g) The age of the sexual offense victim when the sexual
18 offense occurred.

19 (h) Any other fact that the court deems relevant;

20 ~~(b) The age of the person who has an intellectual~~
21 ~~disability, the functional capacity of such person, the nature~~
22 ~~of the offenses or act, the relationship of the person to the~~
23 ~~parties in the case or to the defendant in a criminal action,~~
24 ~~the degree of emotional trauma that will result to the person as~~
25 ~~a consequence of the defendant's presence, and any other fact~~
26 ~~that the court deems relevant; or~~

27 ~~(c) The age of the sexual offense victim or witness when~~
28 ~~the sexual offense occurred, the relationship of the sexual~~
29 ~~offense victim or witness to the parties in the case or to the~~
30 ~~defendant in a criminal action, the degree of emotional trauma~~
31 ~~that will result to the sexual offense victim or witness as a~~
32 ~~consequence of the defendant's presence, and any other fact that~~
33 ~~the court deems relevant.~~

34 (4) In addition to such other relief provided by law, the
35 court may enter orders it deems just and appropriate for the
36 protection of limiting the number of times that a child, a

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37 person who has an intellectual disability, or a sexual offense
38 victim, including limiting the number of times a victim or
39 witness may be interviewed, limiting the length and scope of a
40 deposition, requiring a deposition to be taken only by written
41 questions, requiring a deposition to be in the presence of a
42 trial judge or magistrate, sealing the tape or transcript of a
43 deposition until further order of the court, allowing use of a
44 therapy animal or facility dog ~~prohibiting depositions of the~~
45 ~~victim or witness,~~ requiring the submission of questions before
46 the examination of the victim or witness, setting the place and
47 conditions for interviewing the victim or witness or for
48 conducting any other proceeding, or permitting or prohibiting
49 the attendance of any person at any proceeding. The court shall
50 enter any order necessary to protect the rights of all parties,
51 including the defendant in any criminal action.

52 (5) Section 794.022 applies to depositions taken pursuant
53 to this section. If a deposition is taken pursuant to this
54 section, the court must appoint a guardian ad litem or other
55 advocate pursuant to s. 914.17 to represent the deponent for the
56 purposes of the deposition if the deponent does not already have
57 counsel.

58 (6) The court, on its own motion or that of any party, may
59 request the aid of an interpreter, as provided in s. 90.606, to
60 aid the parties in formulating methods of questioning the child,
61 the person who has an intellectual disability, or the sexual

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62 offense victim and in interpreting his or her answers during
63 proceedings conducted under this section.

64 (7) The court shall make specific findings of fact on the

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T I T L E A M E N D M E N T

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Remove lines 7-11 and insert:

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certain testifying victims and witnesses; revising

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factors to be

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