

Fiscal Estimate Narratives

CTS 2/14/2024

LRB Number	23-5589/1	Introduction Number	SB-0946	Estimate Type	Original
Description the testimony of a child in a criminal proceeding for a human trafficking crime					

Assumptions Used in Arriving at Fiscal Estimate

Current law provides that in any criminal prosecution, the testimony of a child witness who is under 12 years of age, or under 16 years of age if the interest of justice so requires, may be taken in a room other than the courtroom and simultaneously televised in the courtroom if the court finds both of the following:

1. That the presence of the defendant during the taking of the child's testimony will result in the child suffering serious emotional distress such that the child cannot reasonably communicate.
 2. That taking the testimony of the child in a room other than the courtroom and simultaneously televising the testimony in the courtroom is necessary to minimize the trauma to the child of testifying in the courtroom setting and to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.
- This bill provides that, in a criminal prosecution for a human trafficking crime, the testimony of a child witness who is under 18 years of age may be taken in a room other than the courtroom and simultaneously televised in the courtroom if the court makes those same findings.

Long-Range Fiscal Implications

This bill expands the circumstances where it is permissible for the court to order a child witness to have their testimony taken in a room other than the courtroom, and televised in the courtroom, if certain findings are made. This bill adds individuals under 18 years of age who are witnesses in a human trafficking case to those individuals able to testify from a separate room. Because Courts are already permitted to allow testimony to occur in a separate room for minors, it is likely that counties may already have the video technology in place to accommodate this testimony and therefore any local fiscal effect would be limited.