

ASSEMBLY, No. 4533
STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

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District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Verrelli, Assemblywoman Stanfield, Assemblymen Auth, Johnson, Chiaravalloti and Assemblywoman Reynolds-Jackson

SYNOPSIS

Provides for advocate in criminal cases concerning welfare or care of animal.

CURRENT VERSION OF TEXT

As introduced.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that animals are sentient beings capable of experiencing pain, stress, and fear. It is the policy of New Jersey that, in order to protect animals from experiencing pain, stress, or fear at human hands, animals are to be treated humanely. For that reason, animals shall be considered the victims of animal cruelty crimes and shall be treated as such in a court of law.

2. a. In any criminal court proceeding pursuant to R.S.4:22-17 et seq. or pursuant to P.L.2015, c.85 (C.2C:33-31), or any other criminal proceeding that affects the welfare or care of an animal, the court may order, upon its own initiative or upon request of the State or a party or counsel for a party, that a separate advocate be appointed to represent the best interests of, and justice for, the animal. If a court orders an advocate to be appointed, the advocate shall be appointed from a list provided to the court by the Administrative Director of the Courts. A decision by the court denying or approving a request to appoint a separate advocate to represent the best interests of, and justice for, the animal shall not be subject to appeal.

b. (1) The advocate shall: (a) monitor the case; (b) attend hearings; (c) share with attorneys for the State and defendant any information new to the case or prepared by the advocate; (d) have access to and review all relevant records concerning the condition of the animal and the defendant's actions, including, but not limited to, records from certified animal control officers, veterinarians and police officers; and (e) present information or recommendations to the court that relate to the best interests of, and justice for, the animal, including placement of the animal.

(2) The advocate may: (a) consult any individual with information relating to the welfare or care of the animal; and (b) make, prior to sentencing, an in-person statement directly to the sentencing court regarding the impact of the crime upon the animal.

c. The Administrative Director of the Courts shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve as advocates on a voluntary basis under this section. In order to be eligible, attorneys and law students must (1) be authorized to make court appearances in the State of New Jersey; (2) be familiar with criminal court proceedings pursuant to R.S.4:22-17 et seq. or pursuant to P.L.2015, c.85 (C.2C:33-31), or any other criminal proceeding that affects the welfare or care of an animal; and (3) be familiar with an advocate's duties as set forth in this act. The provisions of R.1:21-3 of the Rules of Court shall govern a law student's participation as an advocate under this section.

3. This act shall take effect immediately and apply to all cases initiated on and after that date.

STATEMENT

This bill would authorize a court to appoint an advocate in certain criminal cases that affect the welfare or care of an animal.

In certain criminal court proceedings pursuant to R.S.4:22-17 et seq. (animal cruelty) or P.L.2015, c.85 (C.2C:33-31 et al.) (dog fighting), or in any other criminal proceeding regarding the welfare or custody of an animal, the court may order, upon its own initiative or upon request of the State or a party or counsel for a party, that a separate advocate be appointed to represent the best interests of, and justice for, the animal. The court would select an advocate from a list provided to the court by the Administrative Director of the Courts. There would be two lists: one would contain names of attorneys with knowledge of animal issues and the legal system; and the other would contain law schools that have students with an interest in animal issues and the legal system. Any attorneys and law students would serve as advocates on a voluntary basis.

The advocate would exercise the following duties: (a) monitor the case; (b) attend hearings; (c) share with attorneys for the State and defendant any information new to the case or prepared by the advocate; (d) have access to and review all relevant records concerning the condition of the animal and the defendant's actions, including, but not limited to, records from certified animal control officers, veterinarians and police officers; and (e) present information or recommendations to the court that relate to the best interests of, and justice for, the animal, including placement of the animal.

This bill is modeled on Conn. Gen. Stat. Ann. 54-86n, commonly referred to as "Desmond's Law" and named after a dog which was abused and strangled to death by its owner in 2012.