

[First Reprint]

**SENATE, No. 3322**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 15, 2019

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senators Bateman, Addiego, Ruiz and Turner**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 16, 2019.



**(Sponsorship Updated As Of: 1/10/2020)**

1 AN ACT concerning certain advocates and supplementing Title 2A  
2 of the New Jersey Statutes.

3

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

6

7 1. a. In any criminal court proceeding pursuant to R.S.4:22-17  
8 et seq. or pursuant to P.L.2015, c.85 (C.2C:33-31), or any other  
9 criminal proceeding that affects the welfare or care of <sup>1</sup>**[a cat or**  
10 **dog]** an animal<sup>1</sup>, the court may order, upon its own initiative or  
11 upon request of <sup>1</sup>the State or<sup>1</sup> a party or counsel for a party, that a  
12 separate advocate be appointed to represent the best interests of <sup>1</sup>,  
13 and justice for,<sup>1</sup> the animal. If a court orders an advocate to be  
14 appointed, the advocate shall be appointed from a list provided to  
15 the court by the Administrative Director of the Courts. A decision  
16 by the court denying <sup>1</sup>or approving<sup>1</sup> a request to appoint a separate  
17 advocate to represent the best interests of <sup>1</sup>, and justice for,<sup>1</sup> the  
18 animal shall not be subject to appeal.

19 b. <sup>1</sup>(1)<sup>1</sup> The advocate <sup>1</sup>**[may]** shall<sup>1</sup>: <sup>1</sup>**[(1)]** (a)<sup>1</sup> monitor the  
20 case; <sup>1</sup>**[(2)]** (b)<sup>1</sup> attend hearings; <sup>1</sup>**[(3)]** (c)<sup>1</sup> consult any individual with  
21 information relating to the welfare or care of the cat or dog; <sup>1</sup>**[(4)]** (c)<sup>1</sup>  
22 share with attorneys for the State and defendant any information  
23 new to the case or prepared by the advocate; (d) have access to and<sup>1</sup>  
24 review <sup>1</sup>all<sup>1</sup> relevant records concerning the condition of the animal  
25 and the defendant's actions, including, but not limited to, records  
26 from certified animal control officers, veterinarians and police  
27 officers; and <sup>1</sup>**[(5)]** (e)<sup>1</sup> present information or recommendations to  
28 the court that relate to the best interests of <sup>1</sup>, and justice for,<sup>1</sup> the  
29 animal <sup>1</sup>, including placement of the animal<sup>1</sup>.

30 <sup>1</sup>(2) The advocate may: (a) consult any individual with  
31 information relating to the welfare or care of the animal; and (b)  
32 make, prior to sentencing, an in-person statement directly to the  
33 sentencing court regarding the impact of the crime upon the  
34 animal.<sup>1</sup>

35 c. The Administrative Director of the Courts shall maintain a  
36 list of attorneys with knowledge of animal issues and the legal  
37 system and a list of law schools that have students with an interest  
38 in animal issues and the legal system. Such attorneys and law  
39 students shall be eligible to serve <sup>1</sup>as advocates<sup>1</sup> on a voluntary  
40 basis <sup>1</sup>**[as advocates]**<sup>1</sup> under this section. <sup>1</sup>In order to be eligible,  
41 attorneys and law students must (1) be authorized to make court  
42 appearances in the State of New Jersey; (2) be familiar with  
43 criminal court proceedings pursuant to R.S.4:22-17 et seq. or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted December 16, 2019.

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1 pursuant to P.L.2015, c.85 (C.2C:33-31), or any other criminal  
2 proceeding that affects the welfare or care of an animal; and (3) be  
3 familiar with an advocate's duties as set forth in this act.<sup>1</sup> The  
4 provisions of R.1:21-3 of the Rules of Court shall govern a law  
5 student's participation as an advocate under this section.

6

7 2. This act shall take effect immediately <sup>1</sup>and apply to all cases  
8 initiated on and after that date<sup>1</sup>.