

SENATE, No. 2868

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2020)

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:

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

14

15 2. a. In any criminal court proceeding pursuant to R.S.4:22-
16 17 et seq. or pursuant to P.L.2015, c.85 (C.2C:33-31), or any other
17 criminal proceeding that affects the welfare or care of an animal,
18 the court may order, upon its own initiative or upon request of the
19 State or a party or counsel for a party, that a separate advocate be
20 appointed to represent the best interests of, and justice for, the
21 animal. If a court orders an advocate to be appointed, the advocate
22 shall be appointed from a list provided to the court by the
23 Administrative Director of the Courts. A decision by the court
24 denying or approving a request to appoint a separate advocate to
25 represent the best interests of, and justice for, the animal shall not
26 be subject to appeal.

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

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

40 c. The Administrative Director of the Courts shall maintain a
41 list of attorneys with knowledge of animal issues and the legal
42 system and a list of law schools that have students with an interest
43 in animal issues and the legal system. Such attorneys and law
44 students shall be eligible to serve as advocates on a voluntary basis
45 under this section. In order to be eligible, attorneys and law
46 students must (1) be authorized to make court appearances in the
47 State of New Jersey; (2) be familiar with criminal court proceedings
48 pursuant to R.S.4:22-17 et seq. or pursuant to P.L.2015, c.85

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

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

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STATEMENT

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

15 In certain criminal court proceedings pursuant to R.S.4:22-
16 17 et seq. (animal cruelty) or P.L.2015, c.85 (C.2C:33-31 et al.) (dog
17 fighting), or in any other criminal proceeding regarding the welfare or
18 custody of an animal, the court may order, upon its own initiative or
19 upon request of the State or a party or counsel for a party, that a
20 separate advocate be appointed to represent the best interests of, and
21 justice for, the animal. The court would select an advocate from a list
22 provided to the court by the Administrative Director of the Courts.
23 There would be two lists: one would contain names of attorneys with
24 knowledge of animal issues and the legal system; and the other would
25 contain law schools that have students with an interest in animal issues
26 and the legal system. Any attorneys and law students would serve as
27 advocates on a voluntary basis.

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

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