

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2868

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2020

The Senate Judiciary Committee reports favorably Senate Bill No. 2868.

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 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. Upon the court's own initiative, or if a request was approved, 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. A decision to approve or deny a request for a separate animal advocate would not be subject to appeal.

The advocate would be required to: (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 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 and justice of the animal including placement of the animal. Additionally, the advocate could: (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.

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.