

[First Reprint]

ASSEMBLY, No. 1965

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

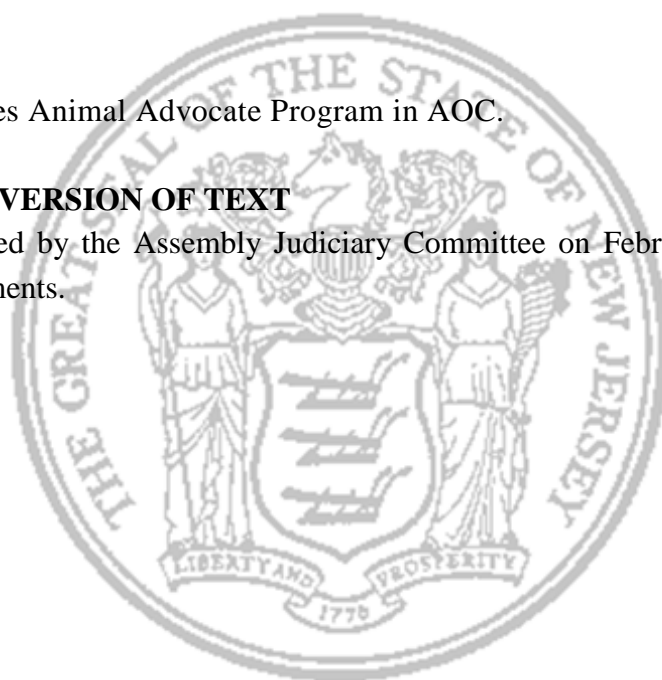
Assemblymen Verrelli, Auth, Assemblywoman Reynolds-Jackson, Assemblyman Stanley, Assemblywoman Timberlake, Assemblymen Karabinchak, Giblin, S.Kean, Assemblywomen Jasey, DeFuccio, Haider, Assemblyman Clifton, Assemblywomen Dunn, Swift, McCarthy Patrick, Assemblyman Thomson, Assemblywomen McKnight and Matsikoudis

SYNOPSIS

Establishes Animal Advocate Program in AOC.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on February 14, 2022, with amendments.



(Sponsorship Updated As Of: 1/19/2023)

1 AN ACT ¹**【concerning certain advocates】** establishing the Animal
 2 Advocate Program in the Administrative Office of the Courts¹ and
 3 supplementing Title 2A of the New Jersey Statutes.

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

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

15
 16 ¹**【2.】** 1.¹ a. ¹**【In】** The Administrative Director of the Courts
 17 shall establish a two-year Statewide Animal Advocate Program. As
 18 part of this program, in¹ any criminal court proceeding pursuant to
 19 R.S.4:22-17 et seq. or pursuant to ¹section 1 of¹ P.L.2015, c.85
 20 (C.2C:33-31), or ¹in¹ any other criminal proceeding that affects the
 21 welfare or care of an animal, the court may order, upon its own
 22 initiative or upon request of the State or a party or counsel for a
 23 party, that a separate advocate be appointed to represent the best
 24 interests of, and justice for, the animal. If a court orders an
 25 advocate to be appointed, the advocate shall be appointed from a
 26 list provided to the court by the ¹**【Administrative Director of the**
 27 **Courts】** director¹. A decision by the court denying or approving a
 28 request to appoint a separate advocate to represent the best interests
 29 of, and justice for, the animal shall not be subject to appeal.

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

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:

¹Assembly AJU committee amendments adopted February 14, 2022.

1 (a) consult any individual with information relating to the
2 welfare or care of the animal; and

3 (b) make, prior to sentencing, an in-person statement directly
4 to the sentencing court regarding the impact of the crime upon the
5 animal.

6 c. The ¹~~Administrative Director of the Courts~~ director¹ shall
7 maintain a list of attorneys with knowledge of animal issues and the
8 legal system and a list of law schools that have students with an
9 interest in animal issues and the legal system. Such attorneys and
10 law students shall be eligible to serve as advocates on a voluntary
11 basis under this section. In order to be eligible, attorneys and law
12 students ¹~~must~~ shall¹ (1) be authorized to make court appearances
13 in the State of New Jersey; (2) be familiar with criminal court
14 proceedings pursuant to R.S.4:22-17 et seq. or pursuant to ¹section
15 1 of¹ P.L.2015, c.85 (C.2C:33-31), or any other criminal proceeding
16 that affects the welfare or care of an animal; and (3) be familiar
17 with an advocate's duties as set forth in this act. The provisions of
18 R.1:21-3 of the Rules of Court shall govern a law student's
19 participation as an advocate under this section.

20 ¹d. Two years following the establishment of the program, the
21 director shall submit to the Governor, and to the Legislature
22 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report
23 containing information on the implementation of the program,
24 which shall include the director's recommendations on the
25 advisability of continuing the program.¹

26
27 ¹~~[3.] 2.~~¹ This act shall take effect ¹~~immediately and~~ on the
28 first day of the sixth month next following the date of enactment,
29 except that the Administrative Office of the Courts may take any
30 anticipatory administrative action in advance thereof as shall be
31 necessary for the implementation of this act. This act shall¹ apply
32 to all cases initiated on and after ¹~~that~~ the effective¹ date ¹and
33 shall expire two years after enactment¹.