

SENATE, No. 282

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Establishes Animal Advocate Program in AOC.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the Animal Advocate Program in the
2 Administrative Office of the Courts and supplementing Title 2A
3 of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. The Administrative Director of the Courts shall establish
9 a two-year Statewide Animal Advocate Program. As part of this
10 program, in any criminal court proceeding pursuant to R.S.4:22-17
11 et seq. or pursuant to section 1 of P.L.2015, c.85 (C.2C:33-31), or
12 in any other criminal proceeding that affects the welfare or care of
13 an animal, the court may order, upon its own initiative or upon
14 request of the State or a party or counsel for a party, that a separate
15 advocate be appointed to represent the best interests of, and justice
16 for, the animal. If a court orders an advocate to be appointed, the
17 advocate shall be appointed from a list provided to the court by the
18 director. A decision by the court denying or approving a request to
19 appoint a separate advocate to represent the best interests of, and
20 justice for, the animal shall not be subject to appeal.

21 b. (1) The advocate shall:

22 (a) monitor the case;

23 (b) attend hearings;

24 (c) share with attorneys for the State and defendant any
25 information new to the case or prepared by the advocate;

26 (d) have access to and review all relevant records concerning
27 the condition of the animal and the defendant's actions, including,
28 but not limited to, records from certified animal control officers,
29 veterinarians and police officers; and

30 (e) present information or recommendations to the court that
31 relate to the best interests of, and justice for, the animal, including
32 placement of the animal.

33 (2) The advocate may:

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

36 (b) make, prior to sentencing, an in-person statement directly
37 to the sentencing court regarding the impact of the crime upon the
38 animal.

39 c. The director shall maintain a list of attorneys with
40 knowledge of animal issues and the legal system and a list of law
41 schools that have students with an interest in animal issues and the
42 legal system. Such attorneys and law students shall be eligible to
43 serve as advocates on a voluntary basis under this section. In order
44 to be eligible, attorneys and law students shall (1) be authorized to
45 make court appearances in the State of New Jersey; (2) be familiar
46 with criminal court proceedings pursuant to R.S.4:22-17 et seq. or
47 pursuant to section 1 of P.L.2015, c.85 (C.2C:33-31), or any other
48 criminal proceeding that affects the welfare or care of an animal;

1 and (3) be familiar with an advocate's duties as set forth in this act.
2 The provisions of R.1:21-3 of the Rules of Court shall govern a law
3 student's participation as an advocate under this section.

4 d. Two years following the establishment of the program, the
5 director shall submit to the Governor, and to the Legislature
6 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report
7 containing information on the implementation of the program,
8 which shall include the director's recommendations on the
9 advisability of continuing the program.

10
11 2. This act shall take effect on the first day of the sixth month
12 next following the date of enactment, except that the Administrative
13 Office of the Courts may take any anticipatory administrative action
14 in advance thereof as shall be necessary for the implementation of
15 this act. This act shall apply to all cases initiated on and after the
16 effective date and shall expire two years after enactment.

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19 STATEMENT

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21 This bill establishes a two-year Statewide Animal Advocate
22 Program in the Administrative Office of the Courts (AOC). The bill
23 authorizes a court to appoint an advocate in certain criminal cases that
24 affect the welfare or care of an animal. The program would expire
25 after two years notwithstanding a recommendation of continuing the
26 program.

27 In certain criminal court proceedings pursuant to R.S.4:22-17 et
28 seq. (animal cruelty) or section 1 of P.L.2015, c.85 (C.2C:33-31 et al.)
29 (dog fighting), or in any other criminal proceeding regarding the
30 welfare or custody of an animal, the court may order, upon its own
31 initiative or upon request of the State or a party or counsel for a
32 party, that a separate advocate be appointed to represent the best
33 interests of, and justice for, the animal. The bill directs the court to
34 select an advocate from a list provided to the court by the AOC. The
35 bill requires the AOC maintain two lists: one containing names of
36 attorneys with knowledge of animal issues and the legal system; and
37 the other containing law schools that have students with an interest in
38 animal issues and the legal system. These attorneys and law students
39 would serve as advocates on a voluntary basis.

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

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1 interests of, and justice for, the animal, including placement of the
2 animal.

3 The bill requires the director to submit a report to the Governor
4 and the Legislature containing information on the implementation of
5 the program, which would include recommendations on the
6 advisability of continuing the program two years following the
7 establishment of the program.

8 The bill is to take effect on the first day of the sixth month next
9 following the date of enactment. The AOC may take administrative
10 action prior to the effective date as necessary for the implementation
11 of the program.

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