

STATE OF NEW YORK

8638

2017-2018 Regular Sessions

IN ASSEMBLY

September 1, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the
appointment of a special advocate in a proceeding involving the
welfare of an animal

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-g to read as follows:

3 § 353-g. Special advocate in proceedings regarding animal welfare. 1.
4 In any proceeding under this article, article twenty-six-a of this chap-
5 ter or in any other proceeding regarding the welfare of an animal, the
6 court may order, upon its own initiative or upon request of a party or
7 counsel for a party, that a separate advocate be appointed to represent
8 the interests of justice. If a court orders that an advocate be
9 appointed to represent the interests of justice, the court shall appoint
10 such advocate from a list provided to the court by the commissioner
11 pursuant to subdivision three of this section. A decision by the court
12 denying a request to appoint a separate advocate to represent the inter-
13 ests of justice shall not be subject to appeal.

14 2. The advocate may:

15 (a) monitor the case;

16 (b) consult any individual with information that could aid the judge
17 or fact finder and review records relating to the condition of the cat
18 or dog and the defendant's actions, including, but not limited to,
19 records from animal control officers, veterinarians and police officers;

20 (c) attend hearings; and

21 (d) present information or recommendations to the court pertinent to
22 determinations that relate to the interests of justice, provided such
23 information and recommendations shall be based solely upon the duties
24 undertaken pursuant to this subdivision.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 3. The department shall maintain a list of attorneys with knowledge of
2 animal issues and the legal system and a list of law schools that have
3 students, or anticipate having students, with an interest in animal
4 issues and the legal system. Such attorneys and law students shall be
5 eligible to serve on a voluntary basis as advocates under this section.

6 § 2. This act shall take effect immediately.