STATE OF NEW YORK

702

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. 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 Assembly, do enact as follows:

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

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

2. The advocate may:

(a) monitor the case;

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

(c) attend hearings; and

(d) present information or recommendations to the court pertinent to determinations that relate to the interests of justice, provided such

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

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information and recommendations shall be based solely upon the duties undertaken pursuant to this subdivision.

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

§ 2. This act shall take effect immediately.