

STATE OF NEW YORK

5315--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 12, 2021

Introduced by M. of A. L. ROSENTHAL, THIELE, SIMON, PAULIN, BURDICK,
GONZALEZ-ROJAS -- read once and referred to the Committee on Judiciary
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee

AN ACT to amend the judiciary law, in relation to the creation of a
court appointed advocate for animals

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

1 Section 1. The judiciary law is amended by adding a new article 22-B
2 to read as follows:

ARTICLE 22-B

SPECIAL ADVOCATES FOR ANIMAL WELFARE PROGRAM

5 Section 858-a. Special advocate in proceedings regarding animal welfare.

6 § 858-a. Special advocate in proceedings regarding animal welfare. 1.
7 In any civil or criminal proceeding regarding the welfare of an animal,
8 the court may order, upon its own initiative or upon request of a party
9 or counsel for a party, that a separate advocate be appointed to repre-
10 sent the interests of such animal and to help ensure the well-being of
11 any living animal victim. If a court orders that an advocate be
12 appointed to represent the interests of an animal, the court shall
13 appoint such advocate from a list provided to the court by the chief
14 judge of the state of New York pursuant to subdivision five of this
15 section.

16 2. The advocate shall:

17 (a) monitor the case;

18 (b) have access to relevant files, documents, and reports related to
19 the case;

20 (c) review records relating to the condition of the animal and the
21 defendant's actions, including, but not limited to, records from animal
22 control officers, officers of a duly incorporated society for the
23 prevention of cruelty to animals, veterinarians and police officers;

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

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1 (d) share with attorneys for the state and defendant any information
2 new to the case or prepared by the advocate for presentation to the
3 court or either party; and

4 (e) present information and recommendations to the court pertinent to
5 determinations that relate to the interests of the animal in question,
6 provided such information and recommendations result from executing the
7 duties undertaken pursuant to this subdivision. Such information and
8 recommendations may be based upon the knowledge and experience of the
9 advocate or another specialist with specific knowledge and experience
10 related to the type of animal involved in the case.

11 3. The advocate may:

12 (a) consult any individual with information that could aid the judge
13 or fact finder;

14 (b) attend hearings; and

15 (c) as needed and appropriate, provide a victim impact statement to
16 the court.

17 4. Advocates shall not have discovery or subpoena powers.

18 5. The office of court administration shall maintain a list of attor-
19 neys and supervised law students who have indicated a willingness to
20 serve as advocates under this section on a voluntary basis and are
21 eligible to do so. Law student advocates shall be supervised in accord-
22 ance with sections four hundred seventy-eight and four hundred eighty-
23 four of this chapter and any other applicable laws, rules and regu-
24 lations.

25 § 2. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.