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 Assembly, do enact as follows:

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

ARTICLE 22-B

SPECIAL ADVOCATES FOR ANIMAL WELFARE PROGRAM

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

§ 858-a. Special advocate in proceedings regarding animal welfare. 1. In any civil or criminal 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 such animal and to help ensure the well-being of any living animal victim. If a court orders that an advocate be appointed to represent the interests of an animal, the court shall appoint such advocate from a list provided to the court by the chief judge of the state of New York pursuant to subdivision five of this section.

2. The advocate shall:

(a) monitor the case;

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

(c) review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, officers of a duly incorporated society for the 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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(d) share with attorneys for the state and defendant any information new to the case or prepared by the advocate for presentation to the court or either party; and

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

3. The advocate may:

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

(b) attend hearings; and

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

4. Advocates shall not have discovery or subpoena powers.

5. The office of court administration shall maintain a list of attorneys and supervised law students who have indicated a willingness to serve as advocates under this section on a voluntary basis and are eligible to do so. Law student advocates shall be supervised in accordance with sections four hundred seventy-eight and four hundred eighty-four of this chapter and any other applicable laws, rules and regulations.

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