

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1965

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1965.

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

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

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

As amended, the bill requires the director to submit a report to the Governor and the Legislature containing information on the implementation of the program, which would include recommendations on the advisability of continuing the program two years following the establishment of the program.

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

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

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

- (1) Remove the preamble.
- (2) Permit the AOC to establish a two-year Statewide Animal Advocate Program.
- (3) Require the director to submit a report to the Governor and the Legislature containing information on the implementation of the program and recommendations on the advisability of continuing the program beyond two years.
- (4) Make the effective date the first day of the sixth month next following the date of enactment.
- (5) Make technical changes to the bill.
- (6) Revise the bill’s title and synopsis.