



House of Representatives

General Assembly

File No. 698

January Session, 2013

Substitute House Bill No. 6690

House of Representatives, May 2, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT PROCEEDINGS AND THE PROTECTION OF ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) In any prosecution under
2 section 53-247 of the general statutes, or any proceeding in the civil or
3 criminal session of the Superior Court regarding the welfare or
4 custody of an animal that was the subject of a violation of section 53-
5 247 of the general statutes, the court may order, or counsel for any
6 party may request, that a separate advocate be appointed to represent
7 the interests of the animal, in which case the court shall appoint an
8 advocate from a list provided by the Commissioner of Agriculture
9 pursuant to subsection (c) of this section.

10 (b) The advocate shall perform an independent investigation of the
11 case and may present at any hearing information pertinent to the
12 court's determination of the best interests of the animal. The advocate
13 shall be subject to cross-examination upon the request of counsel for
14 any party. The advocate shall not be required to be an attorney-at-law

15 but shall be knowledgeable about the needs and protection of animals
16 and relevant court procedures. In performing an investigation under
17 this section, the advocate shall consider any prior arrangements made
18 for the animal, including, but not limited to, the existence of a trust to
19 provide for the care of the animal created under section 45a-489a of the
20 general statutes, a restraining order issued under section 46b-15 of the
21 general statutes that contains a provision to protect the animal, or a
22 protective order issued under section 46b-38c of the general statutes
23 that contains a provision to protect the animal.

24 (c) The Commissioner of Agriculture shall maintain a list of persons
25 with expertise in animal welfare or legal advocacy to serve on a
26 voluntary basis as advocates under this section. Such list may include
27 students and faculty of law schools and attorneys.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill allows judges to appoint a volunteer to advocate for the best interests of an animal in a civil or criminal proceeding relating to animal cruelty or fighting and does not result in a fiscal impact.

The bill also requires the Commissioner of Agriculture to maintain a list of animal-related volunteer advocates. There is no fiscal impact associated with this requirement.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 6690

AN ACT CONCERNING COURT PROCEEDINGS AND THE PROTECTION OF ANIMALS.

SUMMARY:

This bill allows judges to appoint a volunteer to advocate for the best interests of an animal in a civil or criminal proceeding related to animal cruelty or fighting that affects the welfare or custody of the animal. The bill makes the agriculture commissioner responsible for maintaining a list of volunteer advocates with animal welfare or legal advocacy expertise and specifies their qualifications and responsibilities.

EFFECTIVE DATE: July 1, 2013

APPOINTMENT, QUALIFICATIONS, AND DUTIES

A court must appoint an animal advocate from the commissioner's list upon (1) the request of either party's attorney or (2) its own order. Animal advocates must be knowledgeable about the needs and protection of animals and relevant court procedures, but they need not be attorneys. The commissioner's list may include law school students and faculty as well as attorneys.

Animal advocates are responsible for conducting an independent investigation of the case and presenting information on the best interests of the animal to the court. Advocates may be cross-examined. As part of an investigation, advocates must consider:

1. prior arrangements made for the animal, including a trust for the care of the animal and
2. any restraining or protective order that contains a provision

protecting the animal.

The bill does not address whether an animal advocate may represent more than one animal in the same proceeding.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 6 (04/16/2013)