



# House of Representatives

**File No. 867**

General Assembly

January Session, 2013

**(Reprint of File No. 698)**

Substitute House Bill No. 6690  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 24, 2013

**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 be an attorney-at-law who is

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

24 (c) The Commissioner of Agriculture shall maintain a list of  
25 attorneys and students and faculty members of accredited law schools  
26 who are knowledgeable about the needs and protection of animals and  
27 relevant court procedures to serve on a voluntary basis as advocates  
28 under this section.

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

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.

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***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.

House "A" specifies that the advocates on the list must be attorneys or students or faculty at an accredited law school and does not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 6690 (as amended by House "A")\*****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 and specifies their qualifications and responsibilities (see COMMENT).

\*House Amendment "A" appears to require animal advocates to be attorneys. It also conforms certain advocate qualifications for consistency.

EFFECTIVE DATE: July 1, 2013

**APPOINTMENT, QUALIFICATIONS, AND DUTIES**

Under the bill, 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 attorneys who are knowledgeable about the needs and protection of animals and relevant court procedures. But, the bill allows the commissioner's list to also include law school students and faculty (see COMMENT).

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.

**COMMENT**

***Advocate Qualifications***

The amendment creates a conflict by requiring advocates to be attorneys, but also allowing the commissioner's list of advocates to include law school students and faculty members. Many law school students and faculty members are not attorneys.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 38 Nay 6 (04/16/2013)

Environment Committee

Joint Favorable  
Yea 19 Nay 8 (05/14/2013)