



STATE OF CONNECTICUT

SENTENCING COMMISSION

Testimony of Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission before the Judiciary Committee on SB 1060, *An Act Concerning the Appointment of An Advocate in Proceedings concerning the Welfare or Custody of Animals*

Senator Winfield, Representative Stafstrom, Senator Flexer, Representative Quinn, Senator Kissel, Representative Fishbein, and members of the Judiciary Committee. Thank you for allowing me to testify before you today. For the record, I am Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission. I am here to testify in support of HB 1060, *An Act Concerning the Appointment of An Advocate in Proceedings Concerning the Welfare or Custody of Animals*.

I would first like to give some background about the Sentencing Commission. We are a permanent commission consisting of stakeholders in Connecticut's criminal justice system. Our membership includes two judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, and Emergency Services and Public Protection; community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. Our work is informed by the major stakeholders of the criminal justice system and aims to adhere to the best legal and evidence-based research and practices.

This past fall, a subcommittee of the Sentencing Commission studied various issues related to animal cruelty. The study included the subject matter of this bill.

1. Background

In 2016, the General Assembly passed Public Act 16-30, *An Act Concerning Support for Cats and Dogs that are Neglected or Treated Cruelly*, also known as Desmond's Law. Section 1 of Public Act 16-30 was codified as Section 54-86n.

Public Act 16-30 established a court's ability to appoint an advocate in a criminal case involving cruelty and neglect to cats and dogs under Conn. Gen. Stats. §§22-329a and 53-247. The act allows courts to appoint an advocate upon the court's own initiative or upon request of a party or counsel for that party. The separate advocate is appointed to represent the interests of justice.

Since passing Conn. Gen. Stat. 54-86n in 2016, other states have introduced or are drafting legislation that seems to be modeled on Connecticut's legislation. These states include Maine,

New Jersey, Florida, California, Illinois, Michigan, New York, Nevada, and Rhode Island. In Maine, legislation was enacted in 2020 and is very similar to the Connecticut statute, allowing courts to appoint advocates for animals in cruelty proceedings. In New Jersey, legislation has been proposed to establish the Courtroom Animal Advocate Program, which allows supervised law students or volunteer lawyers to advocate for animal victims in cruelty cases.

3. Proposed expansion of advocacy program

The proposal in SB 1060 is similar to one proposed by the Sentencing Commission, except that SB 1060 would apply to any criminal proceeding regarding the welfare or custody of any animal, rather than a criminal proceeding regarding an animal “owned or kept by” a person as proposed by the Commission.

In drafting its proposal, the Commission looked to existing statutes that allow judges to issue restraining or protective orders that protect any animal “owned or kept” by an applicant or victim. See, i.e. Sections 46b-15, 46b-38c and 54-1k. See also Section 54-201 regarding injury or death to a service animal “owned or kept” by a person with a disability.

The Connecticut Sentencing Commission unanimously supports the intent of SB 1060, and suggests the limiting phrase “owned or kept by a person”. We hope that Connecticut will expand the availability for animal advocacy in proceedings concerning the welfare or custody of animals in criminal matters, and we thank the Judiciary Committee for raising this important legislation.