

**ANIMAL LEGAL DEFENSE FUND MODEL LEGISLATION:
COURTROOM ANIMAL ADVOCATE PROGRAM (CAAP) LAW**

Be It enacted by the People of [State]:

SECTION 1.

(a) In any prosecution under sections [animal cruelty laws]¹ of the general statutes, or in any court proceeding pursuant to sections [animal cruelty laws]² of the general statutes or in any other criminal proceeding regarding the welfare, care, or custody of an animal, as defined in [relevant statute]³, the court may order, upon its own initiative or upon request of a party, or counsel for a party, that an advocate be appointed to represent the interests of the animal, whether living or dead.

(b) When a court orders that an advocate be appointed to represent the interests of an animal, as defined in [relevant statute]⁴, the court may appoint such advocate from a list provided to the court, by [designated state body]⁵, of designated attorneys, and law students under the supervision of attorneys, pursuant to subsection (c) & (d) of this section. It will be at the discretion of the Court to appoint or remove the advocate. The decision by a court to appoint an advocate to represent the interests of the animal may be made at any stage of proceedings, at or after arraignment.

(c) (1) The advocate shall: (A) monitor the case; (B) have access to relevant files, documents, and reports related to the case; (C) 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 (D) present information and recommendations to the court pertinent to determinations that relate to the

¹ I.e. statutes criminalizing animal abuse; animal neglect; animal fighting; animal sexual assault; etc.

² As above, this refers to relevant statutes re: animal abuse; animal neglect; animal fighting; animal sexual assault; etc.

³ This reference points to the state's statute defining who is an "animal" under the state's cruelty laws. For states who separate cruelty laws into different sections for different animals, this will require listing multiple defining statutes.

⁴ Again, this points to how animals are defined per state cruelty law.

⁵ Depending on the governmental structure and other resources of the state in question, which entity is best positioned for this will differ. This entity should have the resources and scope to administer the program state-wide: e.g, the state Department of Justice, or state Director of Courts. In some jurisdictions, a state law school or the State Bar (or a subcommittee of the State Bar—e.g. the State Bar's Animal Law Section) may likewise fit that rubric.

interests of the animal in question, provided such information and recommendations result from executing the duties undertaken pursuant to this subsection.⁶ Such information and recommendations may be based upon the knowledge and experience of the advocate or another specialist⁷ with specific knowledge and experience related to the type of the animal involved in the case. (2) The advocate may (A) consult any individual with information that could aid the judge or fact finder; (B) review records relating to the animal's condition and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians, and police officers; (C) attend hearings in person or via video or digital means; and (D) as needed and appropriate, provide a victim impact statement to the court.⁸

(d) [Designated state body]⁹ shall maintain a list of attorneys and supervised [court-certified law students]¹⁰ who have indicated a willingness to serve as advocates under this section on a voluntary basis, and are eligible to do so. In order to be eligible to serve as an advocate, attorneys and supervised law students must (1) be authorized to make court appearances in [state]; (2) have completed training¹¹ as required by [designated state body]¹². The provisions of [designated state body's]¹³ training and applicable rules of professional conduct govern attorneys and law students operating as advocates under this section. The provisions of [court-certified law student regulations]¹⁴ govern a law student's participation as an advocate under this section.

⁶ Where states have statutes addressing pre- or post- trial disposition of animals, that this advocate duty extends to those proceedings can be made explicit.

⁷ E.g. forensic veterinarian, animal behaviorist, etc.

⁸ Depending on the state's victim impact statute, this language can be modified to more clearly indicate a particular variety of victim impact statement. E.g. "provide a victim impact statement to the court in place of the animal's next of kin."

⁹ See footnote 5 (outlining various options for this body).

¹⁰ I.e. an attorney-supervised law student eligible to make court appearances within the state in question. Terms used for these programs vary between states (e.g. 'court-certified law student,' 'student practice rule supervised law student', etc.). The phrasing here should mirror that used by the relevant statute of the state in question. See footnote 14 and accompanying text (referencing state rules on law student appearance).

¹¹ Given that the training needs for advocates are likely to shift as the CAAP law becomes normalized within the state's criminal justice system, we recommend not enshrining a specific form or content in statute. This gives the agency responsible latitude to adjust training to meet CAAP needs. Such training, whether presented as an in-person CLE, a webinar, reading material, etc. should address an advocate's duties under the CAAP law and criminal proceedings relevant to animal cruelty cases. The Animal Legal Defense Fund makes resources available to facilitate such trainings; for further details please contact us.

¹² See footnote 5 (outlining various options for this body).

¹³ See footnote 5 (outlining various options for this body).

¹⁴ This reference points to the rules defining when (and if) law students are eligible to make court appearances within the state in question.

SECTION 2.

Section 1 of this Act applies to cases arising from arrests made after [specific date].¹⁵

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¹⁵ This avoids confusion regarding whether advocates can be appointed in cases that are underway but not concluded when the CAAP law goes into effect.