

# HOUSE BILL No. 6029

May 17, 2018, Introduced by Reps. Hammoud, Chang, Gay-Dagnogo, Geiss, Sneller, Wittenberg, Pagan, Ellison, Love, Sowerby, Yancey, Yanez, Green, Chirkun and Jones and referred to the Committee on Agriculture.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 50d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 50D. (1) IN A CRIMINAL PROSECUTION RELATED TO THE  
2        TREATMENT OF AN ANIMAL UNDER THIS CHAPTER OR A CRIMINAL PROSECUTION  
3        RELATED TO THE WELFARE OR CUSTODY OF AN ANIMAL UNDER THE LAW OF  
4        THIS STATE, THE COURT MAY APPOINT, UPON ITS OWN MOTION OR UPON THE  
5        MOTION OF ANY PARTY, AN ADVOCATE TO REPRESENT THE INTERESTS OF THE  
6        ANIMAL OR THE INTERESTS OF JUSTICE. IF A COURT ORDERS THE  
7        APPOINTMENT OF AN ADVOCATE UNDER THIS SECTION, THE COURT SHALL  
8        APPOINT THE ADVOCATE FROM A LIST PROVIDED TO THE COURT, AS

DESCRIBED IN SUBSECTION (3), BY AN ANIMAL WELFARE CLINIC LOCATED IN THIS STATE. A DECISION BY THE COURT DENYING A REQUEST TO APPOINT AN ADVOCATE UNDER THIS SECTION IS NOT SUBJECT TO APPEAL.

(2) AN ADVOCATE APPOINTED BY THE COURT UNDER SUBSECTION (1) MAY DO ANY OF THE FOLLOWING:

(A) MONITOR THE CASE.

(B) CONSULT AN INDIVIDUAL WITH INFORMATION THAT MAY AID THE JUDGE OR FACT FINDER AND REVIEW RECORDS RELATING TO THE CONDITION OF THE ANIMAL AND A DEFENDANT'S ACTIONS, INCLUDING, BUT NOT LIMITED TO, RECORDS FROM AN ANIMAL CONTROL OFFICER, VETERINARIAN, OR POLICE OFFICER.

(C) ATTEND HEARINGS.

(D) RECOMMEND AND COORDINATE APPROPRIATE EXPERT TESTIMONY IF NECESSARY AND APPROPRIATE.

(E) MAKE RECOMMENDATIONS RELATING TO ANIMAL PLACEMENT.

(F) PREPARE AND PRESENT A VICTIM IMPACT STATEMENT ON BEHALF OF THE ANIMAL.

(G) PRESENT OTHER INFORMATION OR RECOMMENDATIONS TO THE COURT THAT ARE RELATED TO A DETERMINATION REGARDING THE INTERESTS OF THE ANIMAL OR THE INTERESTS OF JUSTICE. THE INFORMATION AND RECOMMENDATIONS PERMITTED UNDER THIS SUBDIVISION ARE LIMITED TO INFORMATION AND RECOMMENDATIONS THAT ARE RELEVANT TO THE DUTIES UNDERTAKEN UNDER THIS SUBSECTION.

(3) THE LIST PROVIDED TO THE COURT UNDER SUBSECTION (1) SHALL INCLUDE THE FOLLOWING:

(A) THE NAMES AND CONTACT INFORMATION OF ATTORNEYS LICENSED TO PRACTICE LAW IN THIS STATE WHO HAVE KNOWLEDGE OF THE LEGAL SYSTEM

1 AS IT RELATES TO ANIMAL ISSUES.

2 (B) THE NAMES AND CONTACT INFORMATION OF LAW SCHOOLS LOCATED  
3 IN THIS STATE THAT HAVE STUDENTS, OR ANTICIPATE HAVING STUDENTS,  
4 WITH AN INTEREST IN THE LEGAL SYSTEM AS IT RELATES TO ANIMAL  
5 ISSUES.

6 (4) THE ATTORNEYS AND LAW STUDENTS DESCRIBED IN SUBSECTION (3)  
7 ARE ELIGIBLE TO SERVE ON A VOLUNTARY BASIS AS AN ADVOCATE UNDER  
8 THIS SECTION. A LAW STUDENT WHO PARTICIPATES AS AN ADVOCATE UNDER  
9 THIS SECTION IS SUBJECT TO THE MICHIGAN RULES OF PROFESSIONAL  
10 CONDUCT.

11 (5) AS USED IN THIS SECTION:

12 (A) "ANIMAL" MEANS A VERTEBRATE OTHER THAN A HUMAN.

13 (B) "ANIMAL WELFARE CLINIC" MEANS A CLINICAL PROGRAM IN ANIMAL  
14 LAW OR ADVOCACY ESTABLISHED BY A LAW SCHOOL OR OTHER INSTITUTION OF  
15 HIGHER EDUCATION LOCATED IN THIS STATE.

16 (C) "LAW SCHOOL" MEANS A LAW SCHOOL ACCREDITED BY THE AMERICAN  
17 BAR ASSOCIATION LOCATED IN THIS STATE.

18 (D) "INSTITUTION OF HIGHER EDUCATION" MEANS A COLLEGE,  
19 UNIVERSITY, COMMUNITY COLLEGE, OR JUNIOR COLLEGE DESCRIBED IN  
20 SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF  
21 1963 OR ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE  
22 CONSTITUTION OF 1963.

23 Enacting section 1. This amendatory act takes effect 90 days  
24 after the date it is enacted into law.