

HOUSE BILL NO. 4592

May 15, 2019, Introduced by Reps. Hammoud, Pohutsky, Bolden, Garza, Brann, Tyrone Carter, Manoogian, Sowerby, Kuppa, Cambensy, Hertel, Whitsett and Brixie and referred to the Committee on Judiciary.

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



RJH



H02864'19

1 motion of any party, an advocate to represent the interests of the
2 animal or the interests of justice. If a court orders the
3 appointment of an advocate under this section, the court shall
4 appoint the advocate from a list provided to the court, as
5 described in subsection (3), by an animal welfare clinic located in
6 this state. A decision by the court denying a request to appoint an
7 advocate under this section is not subject to appeal.

8 (2) An advocate appointed by the court under subsection (1)
9 may do any of the following:

10 (a) Monitor the case.

11 (b) Consult an individual with information that may aid the
12 judge or fact finder and review records relating to the condition
13 of the animal and a defendant's actions, including, but not limited
14 to, records from an animal control officer, veterinarian, or police
15 officer.

16 (c) Attend hearings.

17 (d) Recommend and coordinate appropriate expert testimony if
18 necessary and appropriate.

19 (e) Make recommendations relating to animal placement.

20 (f) Prepare and present a victim impact statement on behalf of
21 the animal.

22 (g) Present other information or recommendations to the court
23 that are related to a determination regarding the interests of the
24 animal or the interests of justice. The information and
25 recommendations permitted under this subdivision are limited to
26 information and recommendations that are relevant to the duties
27 undertaken under this subsection.

28 (3) The list provided to the court under subsection (1) shall
29 include the following:



1 (a) The names and contact information of attorneys licensed to
2 practice law in this state who have knowledge of the legal system
3 as it relates to animal issues.

4 (b) The names and contact information of law schools located
5 in this state that have students, or anticipate having students,
6 with an interest in the legal system as it relates to animal
7 issues.

8 (4) The attorneys and law students described in subsection (3)
9 are eligible to serve on a voluntary basis as an advocate under
10 this section. A law student who participates as an advocate under
11 this section is subject to the Michigan Rules of Professional
12 Conduct.

13 (5) As used in this section:

14 (a) "Animal" means a vertebrate other than a human.

15 (b) "Animal welfare clinic" means a clinical program in animal
16 law or advocacy established by a law school or other institution of
17 higher education located in this state.

18 (c) "Law school" means a law school accredited by the American
19 Bar Association located in this state.

20 (d) "Institution of higher education" means a college,
21 university, community college, or junior college described in
22 section 4, 5, or 6 of article VIII of the state constitution of
23 1963 or established under section 7 of article VIII of the state
24 constitution of 1963.

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

