

**ASSEMBLY BILL**

**No. 2645**

---

**Introduced by Assembly Member Nazarian**

February 20, 2020

---

An act to add Section 1105 to the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2645, as introduced, Nazarian. Abused animals: advocates.

Existing law proscribes various forms of animal abuse and neglect and imposes criminal penalties, including fines and imprisonment, for a violation of those laws. Existing law defines an animal for purposes of those laws.

This bill would authorize a court, upon its own motion or upon request of a party or counsel for a party, to appoint an advocate to represent the interests of an animal that is the subject of criminal proceedings relating to animal abuse or neglect, as specified. The bill would delineate the duties and authority of the advocate and prescribe the procedures for appointing an advocate. The bill would require the court clerk to maintain a list of attorneys and certified law students who have indicated a willingness to serve as advocates and specify the eligibility criteria. These provisions would apply to cases arising from arrests made on or after January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1105 is added to the Penal Code, to read:

1105. (a) In any prosecution pursuant to Section 310, 596, 597, 597.1, 597.5, 597.7, 597a, 597b, 597c, 597f, 597h, 597i, 597j, 597m, 597s, 597t, 600, or 600.5, or in any court proceeding pursuant to Section 310, 596, 597, 597.1, 597.5, 597.7, 597.9, 597a, 597b, 597c, 597f, 597h, 597i, 597j, 597m, 597s, 597t, 598.1, 599aa, 600, or 600.5 or in any other criminal proceeding regarding the welfare, care, or custody of an animal, the court, upon its own motion or upon request of a party or counsel for a party, may appoint an advocate to represent the interests of the animal, without regard to whether the animal is alive or deceased. The court may appoint an advocate at any stage of the proceedings during or after arraignment.

(b) If a court appoints an advocate pursuant to subdivision (a), the court shall appoint that advocate from the list maintained by the court clerk pursuant to subdivision (d). The court has discretion to remove the advocate.

(c) (1) If the court appoints an advocate pursuant to this section, all of the following apply:

(A) The advocate shall monitor the case.

(B) The advocate shall have access to relevant files, documents, and reports related to the case.

(C) The advocate shall 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.

(D) The advocate shall present information and recommendations to the court that are pertinent to determinations that relate to the interests of the animal the advocate represents, if the information and recommendations are the result of the duties the advocate has undertaken pursuant to this subdivision. The information and recommendations may be based upon the knowledge and experience of the advocate or another specialist with specific knowledge and expertise relating to the type of animal that is involved in the case.

(2) An advocate who is appointed pursuant to this section may do any of the following:

(A) Consult any individual who has information that could aid the judge or factfinder in making a determination regarding the interests of the animal.

1 (B) Review records relating to the animal’s condition and the  
2 defendant’s actions, including, but not limited to, records from  
3 animal control officers, veterinarians, and peace officers.

4 (C) Attend hearings by being physically present or by means  
5 of electronic audiovideo communication.

6 (D) As needed and appropriate, provide a victim impact  
7 statement to the court.

8 (d) The clerk of the court shall maintain a list of attorneys and  
9 certified law students who have indicated a willingness to serve  
10 as advocates pursuant to this section on a voluntary basis, and are  
11 eligible to serve in that capacity. In order to be eligible to serve as  
12 an advocate, attorneys shall be licensed to practice law in this state  
13 and the applicable rules of professional conduct apply. In order to  
14 be eligible to serve as an advocate, certified law students shall be  
15 authorized to make court appearances in California and have  
16 completed training required pursuant to the rules of the State Bar  
17 of California for purposes of the Practical Training of Law Students  
18 Program.

19 (e) This section applies to cases arising from arrests made on  
20 or after January 1, 2021.

21 (f) For purposes of this section, an “animal” has the meaning  
22 set forth in Section 599b.