

Public Policy Position HB 6024

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 266 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. The State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On August 15, 2024, the Section adopted its position after an electronic discussion and vote. 15 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 0 members did not vote.

Support

Explanation:

The State Bar of Michigan (SBM) Animal Law Section (ALS) Council unanimously supports HB 6024, which would create a courtroom animal advocate program (CAAP) in Michigan. A courtroom animal advocate program (CAAP) is created legislatively and allows a judge to appoint a trained volunteer attorney or supervised law student to advocate for the interests of the animal or the interests of justice in a criminal prosecution related to the treatment, welfare, or custody of an animal.

Legally, animals are property. However, unlike other types of property, Michigan law protects them from cruelty (MCL § 750.50b) and neglect (MCL § 750.50). Even so, without a CAAP, animals do not have a voice in the criminal justice system. Michigan's proposed CAAP bill would allow a volunteer attorney or supervised law student to monitor proceedings; gather information through reviewing records or consulting with persons with relevant information, such as veterinarians, law enforcement, and animal control; attend hearings; recommend and coordinate expert testimony; make recommendations regarding animal placement; present a victim impact statement on the animal's behalf; and present information and recommendations relevant to the animal's interests or the interests of justice. Given the limited time and resources in the criminal justice system, CAAPs have the benefit of making these services available at no cost.

The volunteer attorney or law student is independent and objective, working for neither the prosecution nor the defense, but instead serves as a voice for the animal victim or victims and represents the interests of justice. A CAAP would exist within the framework of Michigan's animal protection statutes and would not create any new crimes or penalties.

There is a well-researched connection, referred to as The Link,[®] between violence against animals

and violence against humans. CAAP programs are one result of the growing understanding of the seriousness of animal abuse and provide the legal system with a no-cost resource to thoroughly address animal cruelty cases to the benefit of both animals and people.

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