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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 22-H 7678, RELATING TO ANIMALS AND ANIMAL HUSBANDRY March 10, 2022

The ACLU of Rhode Island opposes this legislation, which would allow a court to appoint pro bono attorneys to act as animal advocates in animal cruelty and abuse cases, and to formally participate in those cases “to promote the interests of justice.” While we have no questions about its good intentions, the bill sets an inappropriate and problematic precedent that should be rejected.

In criminal cases of alleged animal cruelty or abuse, animals already have an advocate: the prosecutor. It is unfair to force a criminal defendant to have to defend him or herself against two official accusers, including one who cannot in any realistic way do anything more than the State itself in prosecuting the case. There is no “relevant information” that this advocate can provide that cannot be provided by the prosecutor. The advocate’s participation only serves to stack the deck against criminal defendants.

It is worth noting that, under current law, the state has a victim services unit that provides various forms of supportive services to *people* who are alleged victims of serious crimes, but even those advocates do not have the right to directly participate in the judicial proceedings against a criminal defendant. *See* R.I.G.L. § 12-28-9. Passage of this legislation would lay the groundwork for a dubious expansion of inappropriate “advocacy” work directly in criminal trials that would seriously undermine the rights of criminal defendants.

The ACLU therefore urges the committee’s opposition to this legislation.