

Senate Engrossed

attorney general; federal executive orders.

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 391

SENATE BILL 1841

AN ACT

AMENDING SECTION 41-193, ARIZONA REVISED STATUTES; RELATING TO THE
ATTORNEY GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-193, Arizona Revised Statutes, is amended to
3 read:

4 41-193. Department of law; composition; powers and duties

5 A. The department of law shall be composed of the attorney general
6 and the subdivisions of the department created as provided in this
7 article. Unless otherwise provided by law the department shall:

8 1. Prosecute and defend in the supreme court all proceedings in
9 which ~~the~~ THIS state or an officer ~~thereof~~ OF THIS STATE in ~~his~~ THE
10 OFFICER'S official capacity is a party.

11 2. At the direction of the governor or ~~when~~, ALTERNATIVELY, IF
12 deemed necessary by the attorney general, prosecute and defend any
13 proceeding in a state court other than the supreme court in which ~~the~~ THIS
14 state or an officer ~~thereof~~ OF THIS STATE is a party or has an interest.

15 3. Represent ~~the~~ THIS state in any action in a federal court, the
16 cost thereof and the expenses of the attorney general incurred therein to
17 be a charge against ~~the~~ THIS state.

18 4. Exercise supervisory powers over county attorneys of the several
19 counties in matters pertaining to that office and require reports relating
20 to the public business thereof.

21 5. At the direction of the governor, or ~~when~~ IF deemed necessary,
22 assist the county attorney of any county in the discharge of the county
23 attorney's duties.

24 6. Maintain a docket of all proceedings in which the attorney
25 general is required to appear, showing the condition thereof, the
26 proceedings therein, the proceedings subsequent to judgment and the
27 reasons for any delay of execution.

28 7. ~~upon~~ ON demand by the legislature, ~~or~~ either house OF THE
29 LEGISLATURE or any member ~~thereof~~ OF THE LEGISLATURE, any public officer
30 of ~~the~~ THIS state or a county attorney, render a written opinion ~~upon~~ ON
31 any question of law relating to their offices. ~~Such~~ THESE opinions ~~shall~~
32 ~~be~~ ARE public records.

33 8. ON DEMAND BY THE LEGISLATURE, EITHER HOUSE OF THE LEGISLATURE OR
34 ANY MEMBER OF THE LEGISLATURE PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS
35 STATE AND ARTICLE II, SECTION 3, CONSTITUTION OF ARIZONA, REVIEW AN
36 EXECUTIVE ORDER ISSUED BY THE PRESIDENT OF THE UNITED STATES THAT HAS NOT
37 BEEN AFFIRMED BY A VOTE OF CONGRESS AND SIGNED INTO LAW AS PRESCRIBED BY
38 THE CONSTITUTION OF THE UNITED STATES TO DETERMINE THE CONSTITUTIONALITY
39 OF THE EXECUTIVE ORDER AND WHETHER THIS STATE SHOULD SEEK AN EXEMPTION
40 FROM THE APPLICATION OF THE EXECUTIVE ORDER OR SEEK TO HAVE THE ORDER
41 DECLARED TO BE AN UNCONSTITUTIONAL LEGISLATIVE AUTHORITY BY THE PRESIDENT.

42 ~~8-~~ 9. Perform other duties prescribed by law.

43 B. The department of law, in the name of ~~the~~ THIS state and under
44 the direction of the governor, shall purchase property offered for sale
45 under execution issued ~~upon~~ ON a judgment in favor of or for the use of

1 ~~the~~ THIS state, and shall enter satisfaction, wholly or in part, of ~~such~~
2 THE judgment as consideration for the purchase. If the property of the
3 judgment debtor has been sold under a prior judgment or is subject to a
4 prior judgment, lien or encumbrance, the department of law, under
5 direction of the governor, shall redeem the property from the prior
6 judgment, lien or encumbrance. All money necessary for the redemption
7 shall, ~~upon~~ ON the order of the governor, be paid from money appropriated
8 for such purpose.

9 C. The department of law shall institute investigations for
10 discovery of property ~~which~~ THAT may have escheated or would escheat to
11 ~~the~~ THIS state, and for such purpose may require any person before the
12 superior court to answer investigations, produce books and render accounts
13 relating to the property. The department may institute action in the
14 superior court ~~of~~ IN the county in which the property is located for
15 recovery of escheats, ~~—~~ or may require the county attorney to conduct such
16 proceedings.

APPROVED BY THE GOVERNOR JUNE 29, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 29, 2021.