

REFERENCE TITLE: attorney general; initiation of action

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2841

Introduced by  
Representatives Parker: Grantham, Hoffman

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

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

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

8. Perform other duties prescribed by law.

B. The department of law, in the name of ~~the~~ THIS state and under the direction of the governor, shall purchase property offered for sale under execution issued ~~upon~~ ON a judgment in favor of or for the use of ~~the~~ THIS state, and shall enter satisfaction, wholly or in part, of ~~such~~ THE judgment as consideration for the purchase. If the property of the judgment debtor has been sold under a prior judgment or is subject to a prior judgment, lien or encumbrance, the department of law, under direction of the governor, shall redeem the property from the prior judgment, lien or encumbrance. All money necessary for the redemption shall, ~~upon~~ ON the order of the governor, be paid from money appropriated for such purpose.

1           C. The department of law shall institute investigations for  
2 discovery of property ~~which~~ THAT may have escheated or would escheat to  
3 ~~the~~ THIS state, and for such purpose may require any person before the  
4 superior court to answer investigations, produce books and render accounts  
5 relating to the property. The department may institute action in the  
6 superior court ~~of~~ IN the county in which the property is located for  
7 recovery of escheats, ~~or~~ or may require the county attorney to conduct such  
8 proceedings.

9           D. THE DEPARTMENT OF LAW MAY INITIATE, PROSECUTE AND DEFEND ANY  
10 ACTION IN COURT TO UPHOLD AND ENSURE COMPLIANCE WITH ARTICLE XI, SECTION  
11 6, CONSTITUTION OF ARIZONA.