

1 HB523
2 117709-2
3 By Representatives Ford, McLaughlin and Taylor
4 RFD: Judiciary
5 First Read: 09-FEB-10

2
3
4
5
6
7
8 SYNOPSIS: This bill would specify the duties and
9 responsibilities of the Attorney General and the
10 Governor concerning civil and criminal litigation
11 involving the State of Alabama.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 To specify the duties and responsibilities of the
18 Attorney General and the Governor concerning civil and
19 criminal litigation involving the State of Alabama.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) The Attorney General, as chief law
22 enforcement officer of the State of Alabama, is authorized to
23 direct and control all civil and criminal litigation
24 concerning the State of Alabama. This authority includes, but
25 is not limited to, the supervision of all civil and criminal
26 litigation and investigative activity in the state when such
27 litigation or activity involves the State of Alabama.

1 (b) Notwithstanding any law to the contrary, the
2 Governor shall not have the authority under Sections
3 12-17-184, 12-17-216, or 41-15B-2, Code of Alabama 1975, to
4 institute or direct the institution of a civil or criminal
5 proceeding or investigation, nor shall the Governor have the
6 authority to appoint an individual through executive order or
7 otherwise to institute or direct the institution of a civil or
8 criminal proceeding or investigation. Any such action taken
9 prior to the effective date of this act is hereby void.

10 Section 2. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

14 Section 3. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.