

1 SB324
2 128176-1
3 By Senators Brooks and Ward
4 RFD: Governmental Affairs
5 First Read: 05-APR-11

8 SYNOPSIS: Under existing law, the Attorney General is
9 the chief law enforcement officer of the state.

10 This bill would make permissive the
11 requirement that the Attorney General examine state
12 law for constitutional validity and provide
13 opinions to state, county, and municipal officials
14 upon the request of the official and would delete
15 the requirement that the Attorney General
16 participate in preparing the Code of Alabama.

17 This bill would authorize the Legislative
18 Council to employ independent counsel to represent
19 the interests of the Legislature, would clarify the
20 authority of the Governor to employ personal
21 counsel, and would delete the requirement that a
22 written contract designating the Attorney General
23 as the recipient of any fees, fines, restitution,
24 forfeitures, penalties, costs, interest, or
25 judgments be reviewed by the Contract Review
26 Permanent Legislative Oversight Committee.

1 This bill would authorize the Attorney
2 General, after October 1, 2009, to accept
3 attorney's fees, expenses, and penalties only up to
4 an amount equal to the actual expenses of the
5 office, and would require the Attorney General to
6 certify the amounts only to the Chairs of the
7 Committee on Finance and Taxation General Fund and
8 the Ways and Means General Fund Committee and the
9 State Budget Officer.

10 This bill would permit attorneys licensed to
11 practice law outside of Alabama to be appointed as
12 deputy attorneys general, would update certain
13 provisions relating to the employment of office
14 employees, would remove certain provisions
15 providing for the appointment of nonfull-time
16 assistant attorneys general, and would delete the
17 requirement that such assistants maintain offices
18 at the Capitol.

19 This bill would prohibit assistant and
20 full-time deputy attorneys general from maintaining
21 private law offices.

22 This bill would increase the number of
23 non-merit employees the Attorney General may
24 appoint.

25 This bill would clarify the authority of the
26 Attorney General to issue subpoenas and would
27 provide for the enforcement of those subpoenas.

1 This bill would specify that when the
2 Attorney General superintends and directs any
3 criminal prosecution, the district attorney shall
4 assist, upon request.

5 This bill would authorize assistants to the
6 Attorney General to render official opinions in the
7 absence of the Attorney General and the chief
8 deputy and would delete the requirement that
9 certain information related to state litigation be
10 organized in a particular manner.

11 This bill would provide for the crime of
12 making false statements relating to any matter
13 under investigation by the Attorney General and
14 would provide penalties.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL

TO BE ENTITLED

AN ACT

Relating to the office of the Attorney General; to amend Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-9, 36-15-10, 36-15-11.1, 36-15-13, 36-15-14, 36-15-16, 36-15-17, 36-15-21.1, 36-15-60, and 36-15-62, Code of Alabama 1975; to make permissive the requirement that the Attorney General provide opinions to state, county, and municipal officials upon the request of the official; to make permissive the requirement that the Attorney General examine state law for constitutional validity; to delete the requirement that the Attorney General participate in preparing the Code of Alabama; to authorize the Legislative Council to employ independent counsel to represent the interests of the Legislature; to clarify the authority of the Governor to employ personal counsel; to delete the requirement that a written contract designating the Attorney General as the

1 recipient of any fees, fines, restitution, forfeitures,
2 penalties, costs, interest, or judgments be reviewed by the
3 Contract Review Permanent Legislative Oversight Committee; to
4 authorize the Attorney General, after October 1, 2009, to
5 accept attorney's fees, expenses, and penalties only up to an
6 amount equal to the actual expenses of the office and to
7 require the Attorney General to certify those amounts only to
8 the Chairs of the Committee on Finance and Taxation General
9 Fund and the Ways and Means General Fund Committee and the
10 State Budget Officer; to permit attorneys licensed outside of
11 Alabama to be appointed as deputy attorneys general; to update
12 certain provisions relating to the employment of office
13 employees; to remove certain provisions providing for the
14 appointment of nonfull-time assistant attorneys general; to
15 delete the requirement that such assistants maintain offices
16 at the Capitol; to prohibit assistant and full-time deputy
17 attorneys general from maintaining private law offices; to
18 increase the number of non-merit employees the Attorney
19 General may appoint; to clarify the authority of the Attorney
20 General, deputy attorneys general, and assistant attorneys
21 general to issue subpoenas, which may be issued at any time,
22 whether or not a grand jury is in session, and provide for the
23 enforcement of those subpoenas; to specify that when the
24 Attorney General superintends and directs any criminal
25 prosecution, the district attorney, if requested, shall
26 assist; to authorize assistants to the Attorney General to
27 render official opinions in the absence of the Attorney

1 General and the chief deputy; to delete the requirement that
2 certain specific information related to state litigation be
3 organized in a particular manner; to provide for the status of
4 investigators within the classified service of the state; to
5 add Section 36-15-62.1 to the Code of Alabama 1975, to make it
6 a crime to provide false statements relating to any matter
7 under investigation by the Attorney General and provide
8 penalties; and in connection therewith to have as its purpose
9 or effect the requirement of a new or increased expenditure of
10 local funds within the meaning of Amendment 621 of the
11 Constitution of Alabama of 1901, now appearing as Section
12 111.05 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 36-15-1, 36-15-4.2, 36-15-5.1,
16 36-15-6, 36-15-9, 36-15-10, 36-15-11.1, 36-15-13, 36-15-14,
17 36-15-16, 36-15-17, 36-15-21.1, 36-15-60, and 36-15-62 of the
18 Code of Alabama 1975, are amended to read as follows:

19 "§36-15-1.

20 "The Attorney General shall keep his or her office
21 at the capital city and perform the following duties:

22 "(1)a. He or she ~~shall~~ may give his or her opinion
23 in writing, or otherwise, on any question of law connected
24 with the interests of the state or with the duties of any of
25 the departments, agencies, or instrumentalities when ~~required~~
26 requested by the Governor, ~~Secretary of State, Auditor,~~
27 ~~Treasurer, Superintendent of Education, Commissioner of~~

1 Agriculture and Industries, Director of Department of Finance,
2 Comptroller, State Health Officer, Public Service
3 Commissioners, Commissioner of Conservation and Natural
4 Resources, or the Director of the Department of Revenue or any
5 other officer or department of the state when it is made, by
6 law, his or her duty so to do, and he or she shall may also
7 give his or her opinion to the Chairman Chair of the Judiciary
8 Committee of either house, when required requested, upon any
9 matter under the consideration of the committee.

10 "b. The Attorney General shall may give his or her
11 opinion, in writing or otherwise, as to any question of law
12 connected with the duties of the following county or city
13 officers when requested so to do in writing: Judge of probate,
14 clerk of the circuit court, sheriff, city and county boards of
15 education, county commission, ~~register of the circuit court~~,
16 tax collector, tax assessor, revenue commissioner, mayor or
17 chief executive officer of any incorporated municipality, city
18 council or like governing body of any incorporated
19 municipality, or any other officer required to collect,
20 disburse, handle, or account for public funds.

21 "c. Any officer or governing body of a municipality
22 or county or officer or governing body of any other elected or
23 appointed body shall submit with the request for an opinion a
24 resolution adopted by the governing body setting forth the
25 facts showing the nature and character of the question which
26 makes the advice or opinion sought necessary to the present

1 performance of some official act that the officer or governing
2 body must ~~immediately~~ perform.

3 "d. An officer or governing body shall not submit to
4 the Attorney General moot, private, or personal questions in
5 which the state, county, or public is not materially or
6 primarily interested ~~to the Attorney General, and any or~~
7 ~~questions that are subject to ongoing litigation. Any officer~~
8 shall submit, with the request for an opinion, a ~~certificate~~
9 writing setting forth the facts showing the nature and
10 character of the question which makes the advice sought
11 necessary to present performance of some official act that the
12 officer must ~~immediately~~ perform.

13 "(2) He or she shall attend, on the part of the
14 state, to all criminal cases pending in the Supreme Court or
15 Court of Criminal Appeals, and to all civil actions in which
16 the state is a party in the Supreme Court or Court of Civil
17 Appeals. He or she shall also attend to all cases other than
18 criminal that may be pending in the courts of this state, in
19 which the state may be in any manner concerned, and shall
20 appear in the courts of other states or of the United States,
21 in any case in which the state may be interested in the
22 result.

23 "(3) He or she shall post on the Internet
24 searchable, electronic copies of the written official opinions
25 rendered by him or her pursuant to subdivision (1). On a
26 timely basis, he or she shall also send electronic copies of
27 the opinions to any public official who has asked to receive

1 them and who has provided a working e-mail address for that
2 purpose.

3 "(4) He or she shall, in the month of October of the
4 last year of his or her term of office, compile a report,
5 which shall include suggestions for the suppression of crime
6 and the improvement of the criminal administration as he or
7 she may deem proper. Such report shall also contain a
8 statement of the number of criminal cases disposed of in the
9 entire state for the past four years, as shown by reports of
10 district attorneys; and, taking each character of cases
11 separately, it shall show the number disposed of in each
12 judicial circuit and in each criminal court or other court or
13 territory having a separate district attorney, the number of
14 convictions, the number of acquittals, the number of nolle
15 prosequis entered, the number of cases which were abated or
16 otherwise disposed of, the number of sentences to death, the
17 number of sentences to the penitentiary Department of
18 Corrections, the number of other sentences, including fines
19 imposed, and the totals under each head above mentioned. One
20 copy of the report shall be retained in the permanent files of
21 the office of the Attorney General, and one copy of the report
22 shall be transmitted to the Governor, the Clerk of the House
23 of Representatives, and the Secretary of the Senate, and two
24 copies of the report shall be transmitted to the Department of
25 Archives and History. The expense of printing and binding all
26 of the reports provided for in this section shall be paid by

1 the state in the same manner as is now or hereafter may be
2 provided for printing and binding for the state.

3 "(5) He or she shall keep and preserve, with proper
4 indexes thereto, copies of all his or her official opinions
5 and correspondence.

6 "(6) He or she shall keep, with proper index
7 thereto, a docket of all civil actions and claims in which the
8 state is in any manner concerned and to which he or she is
9 required to give attention, showing the names and addresses of
10 the parties, the nature and amount of the action or claim,
11 when and in what court action was brought, and steps taken
12 therein, and the final determination and result thereof, and,
13 as to claims for collection, showing also when and from whom
14 the claims were received and the name and address of any agent
15 or attorney to whom sent for collection and the date thereof
16 and, in all cases, the amount and date of each collection, the
17 amount of commissions or other expenses deducted, if any, the
18 net amount collected, when and to whom paid over, and the
19 receipt of the officer therefor.

20 "(7) At such time as the Attorney General deems
21 appropriate, the Attorney General ~~shall~~ may carefully examine
22 all of the general statutes now in force, or which hereafter
23 may be enacted by the Legislature from time to time, as to
24 their clarity and constitutional validity.

25 "(8) At such time as the Attorney General deems
26 appropriate, the Attorney General may make a report in writing
27 to the Governor and to the Chairman of the Judiciary Committee

1 of the House of Representatives and of the Senate, pointing
2 out the laws or parts of laws of Alabama which have been held
3 invalid by courts of last resort since the last session of the
4 Legislature, and also making suggestions as to inaccuracies,
5 inadvertences, mistakes, and omissions in statutes, which, in
6 his or her opinion, should be corrected.

7 ~~"(9) Upon the codification of the statutes provided~~
8 ~~for in Section 85 of the constitution, he or she shall advise~~
9 ~~with and assist the committees of the Senate and House of~~
10 ~~Representatives or the joint committee of the Legislature~~
11 ~~charged with the duty of examining and investigating the~~
12 ~~documents submitted by the code commission or any other agency~~
13 ~~provided by law for the preparation of a code of laws for~~
14 ~~submission to the Legislature.~~

15 ~~"(9) (10) He or she may, when requested to do so by~~
16 the chief executive authority of any municipality in the State
17 of Alabama, represent the municipality before the appellate
18 courts of this state in any case appealed to such courts
19 involving the constitutionality of a municipal ordinance.

20 ~~"(10) (11) When extradition papers are presented to~~
21 the Governor by the executive authority of another state
22 seeking to extradite a person from Alabama, or by the proper
23 authority of the State of Alabama seeking to extradite a
24 person from another state, the extradition papers shall be
25 submitted to the Attorney General for examination and shall be
26 approved by him or her both as to form and legality before the
27 papers are acted upon by the Governor, and, when requested so

1 to do by the Governor, the Attorney General shall advise him
2 or her as to his or her action thereon.

3 "(11) ~~(12)~~ When requested so to do by the Governor,
4 the Attorney General shall examine all bills, resolutions, and
5 other documents submitted by the Legislature to the Governor
6 for his or her consideration under Section 125 of the
7 constitution, and advise him or her as to his or her action
8 thereon.

9 "(12) ~~(13)~~ The duties imposed by this section upon
10 the Attorney General and his or her assistants shall be
11 performed by the ~~attorney general~~ Attorney General personally
12 or by his or her assistants under his or her supervision,
13 direction, and control.

14 "(13) ~~(14)~~ Any statute to the contrary
15 notwithstanding, no attorney shall represent the State of
16 Alabama, or any agency, department, or instrumentality of the
17 state in any litigation in any court or tribunal unless the
18 attorney has been appointed as a deputy attorney general or
19 assistant attorney general. Nothing in this section shall
20 prevent the Governor from employing personal counsel pursuant
21 to Section 36-13-2.

22 "§36-15-4.2.

23 "(a) There is established in the State Treasury a
24 special fund to be known as the Attorney General's Litigation
25 Support Fund.

26 "(b) The fund, or other funds, may consist of any
27 and all monies designated by a court order as reasonable

1 attorney fees and related expenses or negotiated fees and
2 related expenses for matters settled out of court, and
3 penalties paid in certain cases received by the Attorney
4 General pursuant to this section as a result of any fees,
5 fines, restitution, forfeitures, penalties, costs, interest,
6 or judgments collected pursuant to any civil litigation, or
7 any administrative proceedings, or in settlement of any claim
8 asserted by or against the people of Alabama, the State of
9 Alabama, or any of its departments, agencies, institutions,
10 officers, employees, or political subdivisions thereof.

11 ~~Notwithstanding the foregoing, the fees, fines, restitution,~~
12 ~~forfeitures, penalties, costs, interest, or judgements shall~~
13 ~~not be affected by this article unless the recipient entity of~~
14 ~~the fees, fines, restitution, forfeitures, penalties, costs,~~
15 ~~interest, or judgements agrees by written contract to~~
16 ~~designate the receipt of such or a portion thereof to the~~
17 ~~Attorney General. Such a written contract shall be reviewed by~~
18 ~~the Contract Review Committee of the Legislature.~~

19 ~~Notwithstanding any provision of this subsection, or any other~~
20 ~~provision of law, Effective as of October 1, 2009, the~~
21 ~~Attorney General may not accept judgments or settlements of~~
22 ~~any kind, or any part thereof, court ordered attorney fees and~~
23 ~~related expenses or negotiated settlements and penalties for~~
24 ~~the use of the Office office of the Attorney General in excess~~
25 ~~an amount of up to the total of the actual expenses of the~~
26 ~~Office office of the Attorney General, pursuant to the~~
27 ~~litigation or the issue settled plus 10 percent of the amount~~

1 of such judgments or settlements. Provided further, however,
2 that the total amount above actual expenses which may be
3 retained by the Attorney General pursuant to this section,
4 shall not exceed one million dollars (\$1,000,000) per fiscal
5 year. Any ~~judgments or settlements~~ attorney fees and related
6 expenses or penalties received by the office of the Attorney
7 General in excess of the amount shall be remitted to the State
8 General Fund. The actual expenses of the office of the
9 Attorney General ~~pursuant to litigation or the issue settled~~
10 shall be certified by the Attorney General to the ~~Chairman of~~
11 the Senate Committee on Finance and Taxation and the ~~Chairman~~
12 ~~of the House Ways and Means Committee~~ Chairs of the Senate
13 Committee on Finance and Taxation General Fund and the House
14 Ways and Means General Fund Committee and the state
15 ~~Comptroller Budget Officer~~.

16 "(c) The Attorney General may expend monies
17 appropriated by the Legislature from the fund for the purpose
18 of implementing any provision of this article or for the
19 performance of any of the powers, functions, duties, and
20 responsibilities of the office of the Attorney General.

21 "(d) The fund shall be placed under the management
22 or administration of the Attorney General for the purpose of
23 implementing this article or for the purpose of performing any
24 of the functions, duties, powers, and responsibilities of the
25 office of the Attorney General and all monies deposited in the
26 fund are available for appropriation to the office of the

1 Attorney General. The appropriations shall be budgeted and
2 allotted pursuant to Article 4 of Chapter 4 of Title 41.

3 "(e) The appropriation of these monies shall be in
4 addition to any monies appropriated to the office of the
5 Attorney General from the State General Fund or from any other
6 sources.

7 "(f) Neither the Attorney General, nor any employee
8 of that office, shall have any financial interest in the
9 investment of monies in the fund nor receive any commission
10 with respect thereto.

11 "(g) It shall be the duty of the Attorney General to
12 keep ~~detailed permanent~~ records of all expenditures and
13 disbursements from the fund.

14 "§36-15-5.1.

15 "(a) The position of deputy attorney general of
16 Alabama is created and established.

17 "(b) The Attorney General may appoint, in such a
18 manner or number as the Attorney General deems necessary,
19 deputy attorneys general so long as the number of full-time
20 deputy attorneys general employed in the office of the
21 Attorney General does not exceed 12 and the number of
22 full-time deputy attorneys general employed in any state
23 department or agency does not exceed one. The compensation,
24 salaries, expenses, and benefits of the deputy attorneys
25 general shall be paid from funds available to the Attorney
26 General or the department or agency employing the deputy
27 attorney general.

"(c) All deputy attorneys general shall be appointed by and shall serve at the pleasure of the Attorney General and shall perform such duties and exercise such powers as the Attorney General may direct. Notwithstanding the foregoing, when the State Department of Transportation requires the service of a deputy attorney general for condemnation proceedings, the department shall request that the Attorney General appoint a deputy attorney general for the purpose and if the Attorney General does not make the appointment within 30 days from the receipt of the request, the general counsel of the department shall make the appointment from a list of attorneys compiled by the Attorney General which he or she deems to be competent in handling condemnation proceedings.

"(d) No person shall be appointed a deputy attorney general who is not authorized to practice law ~~in the State of~~ Alabama.

"(e) Any attorney serving in the classified service of the State of Alabama may be considered by the Attorney General for appointment as a deputy attorney general. In the event that an attorney serving in the classified service of the State of Alabama shall accept appointment as a deputy attorney general and shall later be removed or resign from the position of deputy attorney general, the attorney shall revert to his or her former position in which he or she held status in the classified service. The reversion shall be without loss of salary or other benefits which would have accrued to the

1 attorney and to which the attorney would have otherwise been
2 entitled had he or she remained within the classified service.

3 "(f) A deputy attorney general employed in the
4 office of the Attorney General shall be compensated at a rate
5 to be designated by the Attorney General. A deputy attorney
6 general assigned to another department or agency shall be
7 compensated at a rate set by the chief executive officer of
8 the department or agency after consultation with the Attorney
9 General. The compensation of all other deputy attorneys
10 general shall be at a rate set by executive order of the
11 Governor. When designating salaries, the Attorney General
12 shall choose from among the salary ranges set by the State
13 Personnel Board and published in the State of Alabama
14 compensation plan. The establishment of the range and step
15 within the range of the starting salary shall be at the
16 discretion of the Attorney General upon the appointment of
17 each deputy attorney general and may vary between persons so
18 appointed. When so designated, the salaries, expenses, and
19 benefits of a deputy attorney general shall be paid from the
20 State Treasury in the same manner that the salary and expenses
21 of employees in the classified service are paid.

22 "§36-15-6.

23 "(a) Subject to the Merit System, the Attorney
24 General may appoint as many assistant attorneys general and
25 ~~stenographers~~ other employees as the public interest requires
26 by reason of the volume of work in his or her office.

1 "(b) Subject to the Merit System, the Attorney
2 General may employ as many clerical assistants as he or she
3 deems necessary to conduct the business of his or her office.

4 "(b) (c) Subject to the Merit System, the Attorney
5 General may employ as many investigators in his or her office
6 as may be necessary to perform investigatory functions for the
7 office.

8 "(c) (d) Investigators appointed pursuant to this
9 section shall have all the powers vested in deputy sheriffs
10 and all other law enforcement officers of the State of
11 Alabama, including, but not limited to, the powers of arrest
12 and the power to serve any and all process, and shall perform
13 the duties, responsibilities, and functions as may be
14 designated by the Attorney General.

15 "(d) (e) No person shall serve as an investigator
16 who has not met the minimum standards established for law
17 enforcement officers by the Alabama Peace Officers' Standards
18 and Training Commission or other standards as may be hereafter
19 provided by law. Investigators appointed pursuant to this
20 section shall meet other additional standards as the Attorney
21 General may adopt.

22 "(e) (f) All investigators appointed pursuant to
23 this section shall be entitled to all benefits provided
24 employees of the Alabama Department of Public Safety,
25 including, but not limited to, participation in any retirement
26 plan afforded state troopers.

27 "§36-15-9.

"All assistant and full-time deputy attorneys general of the State of Alabama appointed by the Attorney General, or by the Attorney General with the approval of the Governor, are hereby prohibited from engaging in the private practice of the law during the time they are such assistant or full-time deputy attorneys general; provided, however, that this prohibition shall not apply to assistant attorneys general employed by the Attorney General, with the approval of the Governor, to perform legal services for the state in a designated case only. All assistant and full-time deputy attorneys general appointed by the Attorney General, or by the Attorney General with the approval of the Governor, except assistant attorneys general employed by the Attorney General with the approval of the Governor to perform legal services for the state in a designated case only, are hereby required to maintain offices at the capitol during the time they are assistant attorneys general and are hereby prohibited from maintaining private law offices outside of the capitol during such time.

"§36-15-10.

"(a) The position of executive assistant to the Attorney General of Alabama is created and established. The Attorney General may appoint up to ~~three~~ five executive assistants. An executive assistant shall not be subject to the merit act, but shall serve at the pleasure of the Attorney General and shall perform the duties assigned to him or her by the Attorney General.

"(b) An executive assistant shall receive an annual salary to be fixed by the Attorney General but not exceeding the maximum salary now or hereafter fixed for assistant attorneys general III. The salary and expenses of an executive assistant shall be paid from the State Treasury in the same manner that the salary and expenses of the Attorney General are paid.

"§36-15-11.1.

"The Attorney General may employ within his or her office no more than ~~five~~ 10 paralegal employees whose compensation, salaries, and expenses or benefits shall be paid from funds available to the Attorney General in the same amounts and manner as provided for special administrative assistants under this article. The paralegal employees shall be appointed by and serve at the pleasure of the Attorney General.

"§36-15-13.

"(a) The Attorney General, either in person or by assistant, may appear before any grand jury in this state and present any matter or charge to them for investigation, and prepare and present to the grand jury indictments for any violation of the laws of this state and issue subpoenas for witnesses to appear in the same manner and to the same extent as district attorneys may now or hereafter do.

"(b) Any law to the contrary notwithstanding, in addition to the power granted in subsection (a), the Attorney General may issue subpoenas for any witness the Attorney

1 General may require to come before the Attorney General for
2 examination under oath administered by the Attorney General as
3 to any violation of state law. The subpoena may also direct
4 the person to whom it is directed to produce the books,
5 papers, documents, or other objects which may be designated
6 therein. Subpoenas may be issued at any time, whether or not a
7 grand jury is in session.

8 "(c) Failure to appear at the time and place as
9 required by a subpoena, or failure to remain until released or
10 to provide testimony or documents, shall result in attachment
11 by order of the court. Enforcement of the subpoena or
12 objections thereto shall be heard in the circuit court where
13 the indictment, if any, is pending. If there is no indictment,
14 these matters shall be heard in the appropriate circuit court
15 at the location where the appearance or production was
16 directed to occur or in the Circuit Court of Montgomery County
17 at the option of the Attorney General.

18 "(d) As used in this section, the term Attorney
19 General shall include the Attorney General, full-time deputy
20 attorneys general, and assistant attorneys general assigned to
21 the office of the Attorney General.

22 "§36-15-14.

23 "The Attorney General, either in person or by one of
24 his or her assistants, may at any time he or she deems sees
25 proper, either before or after indictment, may superintend and
26 direct the prosecution of any criminal case in any of the
27 courts of this state. The district attorney prosecuting in

1 such court, upon request, shall assist and act in connection
2 with the Attorney General or his or her assistant in such
3 case.

4 "§36-15-16.

5 "The Attorney General may incur such expenses as may
6 be necessary in the investigation of violations of the
7 criminal law, in the prosecution of crime and in the conduct,
8 investigation, and prosecution of any civil action in which
9 the state is interested or ~~the state's revenue is~~ state funds
10 are involved and such other incidental expenses of the office
11 as may be necessary. All expenses incurred under the authority
12 of this section ~~must~~ shall be approved by the Attorney General
13 and the Governor and shall be paid by warrant as other state
14 expenses are paid.

15 "§36-15-17.

16 "During the absence of the Attorney General and the
17 chief deputy from the seat of government, or when so directed
18 by ~~him~~ the Attorney General, the assistants to the Attorney
19 General may render official opinions to such officers as the
20 Attorney General is ~~required~~ permitted to advise, and may
21 perform such other duties as may be directed by the Attorney
22 General. During such absence, such authority shall be vested
23 in the senior assistant to be designated by the Attorney
24 General, and in the absence of the latter also, in the next
25 ranking assistant. The performance of such duties by such
26 assistants shall have the same force and effect as if
27 performed by the Attorney General.

1 "§36-15-21.1.

2 "(a) Any laws to the contrary notwithstanding,
3 whenever any litigation is instituted against any state
4 department, division, board, bureau, commission, agency,
5 institution, or officer or employee in their official or
6 individual capacity relating to their official duties, such
7 entity shall promptly notify the office of the Attorney
8 General of the action. This notification shall include a
9 description of the controversy, the relief sought, and other
10 information the Attorney General deems necessary.

11 "(b) This information shall be maintained in a
12 central location within the office of the Attorney General.
13 ~~This material shall be organized in a manner so that all of~~
14 ~~the following information may be ascertained:~~

15 "(1) ~~The number of lawsuits pending against the~~
16 ~~state categorized by department.~~

17 "(2) ~~The nature of each lawsuit.~~

18 "(3) ~~The measure of relief sought.~~

19 "(4) ~~Information necessary to maintain a~~
20 ~~comprehensive information system concerning such litigation,~~
21 ~~as determined by the Attorney General.~~

22 "(c) ~~This section shall not apply to an institution~~
23 ~~of postsecondary education.~~

24 "§36-15-60.

25 "The Attorney General may appoint a chief
26 investigator for his or her office and up to ~~four~~ six
27 additional investigators as the Attorney General may from time

1 to time deem necessary. The investigators shall serve at the
2 pleasure of the Attorney General.

3 "§36-15-62.

4 "(a) The chief investigator and other investigators
5 appointed pursuant to ~~the provisions of~~ this article shall be
6 compensated at a rate to be set by the Attorney General. In
7 setting the rate of compensation the Attorney General may take
8 into consideration that amount paid to other law enforcement
9 officers of the State of Alabama, including, but not limited
10 to, those officers of corresponding duties, lengths of
11 service, and responsibilities in the ~~state~~ Alabama Department
12 of Public Safety.

13 "(b) In the event anyone serving in the classified
14 service of the State of Alabama shall accept appointment as an
15 investigator and shall later be removed or resign from the
16 position of investigator, the person shall revert to his or
17 her former position in which he or she held status in the
18 classified service. The reversion shall be without loss of
19 salary or other benefits which would have accrued to the
20 person and to which he or she would have been entitled had he
21 or she remained within the classified service.

22 "(c) When designating the salaries, the Attorney
23 General shall choose from among the salary ranges set by the
24 State Personnel Board for employees of the Alabama Department
25 of Public Safety.

26 "(d) The establishment of the range and step within
27 the range of the starting salary shall be at the discretion of

1 the Attorney General upon the appointment of each investigator
2 and may vary between persons so appointed.

3 "(e) All investigators appointed pursuant to ~~the~~
4 ~~provisions of~~ this article shall be entitled to all benefits
5 provided employees of the Alabama Department of Public Safety,
6 including, but not limited to, participation in any retirement
7 plan afforded state troopers. ~~Provided, however, such~~ Such
8 investigators shall be appointed by and serve at the pleasure
9 of the Attorney General.

10 "(f) The salaries, expenses, and benefits of the
11 investigators appointed pursuant to ~~the provisions of~~ this
12 article shall be paid from the State Treasury in the same
13 manner that the salaries, expenses, and benefits of employees
14 in the classified service are paid."

15 Section 2. Section 36-15-62.1 is added to the Code
16 of Alabama 1975, to read as follows:

17 (a) Any person who knowingly commits any of the
18 following in any matter under investigation by the Attorney
19 General, or a member of his or her office, upon conviction
20 shall be guilty of a Class C felony:

21 (1) Falsifying, concealing, or covering up a
22 material fact by any trick, scheme, or device.

23 (2) Making a materially false, fictitious, or
24 fraudulent statement or representation.

25 (3) Making or using a false writing or document,
26 knowing the same to contain any materially false, fictitious,
27 or fraudulent entry.

(4) Destroying, concealing, or secreting any document or other physical evidence.

(b) Conviction, arrest, or prosecution of the matter originally under investigation is not a prerequisite to conviction under this section.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.