

1 HB463
2 128176-4
3 By Representative Ball
4 RFD: State Government
5 First Read: 06-APR-11

1 nonfull-time assistant attorneys general; to delete the
2 requirement that such assistants maintain offices at the
3 Capitol; to prohibit assistant and full-time deputy attorneys
4 general from maintaining private law offices; to increase the
5 number of non-merit employees the Attorney General may
6 appoint; to specify that when the Attorney General
7 superintends and directs any criminal prosecution, the
8 district attorney, if requested, shall assist; to authorize
9 assistants to the Attorney General to render official opinions
10 in the absence of the Attorney General and the chief deputy;
11 to delete the requirement that certain specific information
12 related to state litigation be organized in a particular
13 manner; to provide for the status of investigators within the
14 classified service of the state; to add Section 36-15-62.1 to
15 the Code of Alabama 1975, to make it a crime to provide false
16 statements relating to any matter under investigation by the
17 Attorney General and provide penalties; and in connection
18 therewith to have as its purpose or effect the requirement of
19 a new or increased expenditure of local funds within the
20 meaning of Amendment 621 of the Constitution of Alabama of
21 1901, now appearing as Section 111.05 of the Official
22 Recompilation of the Constitution of Alabama of 1901, as
23 amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 36-15-1, 36-15-4.2, 36-15-5.1,
26 36-15-6, 36-15-9, 36-15-10, 36-15-11.1, ~~36-15-13~~, 36-15-14,

1 36-15-16, 36-15-17, 36-15-21.1, 36-15-60, and 36-15-62 of the
2 Code of Alabama 1975, are amended to read as follows:

3 "§36-15-1.

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

6 "(1)a. He or she ~~shall may~~ shall give his or her
7 opinion in writing, or otherwise, on any question of law
8 connected with the interests of the state or with the duties
9 of any of ~~the departments, agencies, or instrumentalities when~~
10 ~~required requested~~ by the Governor, Secretary of State,
11 Auditor, Treasurer, Superintendent of Education, Commissioner
12 of the departments, when required by the Governor, Secretary
13 of State, Auditor, Treasurer, Superintendent of Education,
14 Commissioner of Agriculture and Industries, Director of
15 Department of Finance, Comptroller, State Health Officer,
16 Public Service Commissioners, Commissioner of Conservation and
17 Natural Resources, or the Director of the Department of
18 Revenue or any other officer or department of the state
19 when it is made, by law, his or her duty so to do, and he or
20 she shall may also give his or her opinion to the Chairman
21 Chair of the Judiciary Committee of either house, when
22 required requested, upon any Agriculture and Industries,
23 Director of Department of Finance, Comptroller, State Health
24 Officer, Public Service Commissioners, Commissioner of
25 Conservation and Natural Resources, or the Director of the
26 Department of Revenue or any other officer or department of
27 the state when it is made, by law, his or her duty so to do,

1 and he or she shall also give his or her opinion to the
2 Chairman of the Judiciary Committee of either house, when
3 required, upon any matter under the consideration of the
4 committee.

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

17 "c. Any officer or governing body of a municipality
18 or county or officer or governing body of any other elected or
19 appointed body shall submit with the request for an opinion a
20 resolution adopted by the governing body setting forth the
21 facts showing the nature and character of the question which
22 makes the advice or opinion sought necessary to the present
23 performance of some official act that the officer or governing
24 body must ~~immediately~~ perform.

25 "d. An officer or governing body shall not submit to
26 the Attorney General moot, private, or personal questions in
27 which the state, county, or public is not materially or

1 primarily interested ~~to the Attorney General, and any or~~
2 questions that are subject to ongoing litigation. Any officer
3 shall submit, with the request for an opinion, a ~~certificate~~
4 writing setting forth the facts showing the nature and
5 character of the question which makes the advice sought
6 necessary to present performance of some official act that the
7 officer must ~~immediately~~ perform.

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

18 "(3) He or she shall post on the Internet
19 searchable, electronic copies of the written official opinions
20 rendered by him or her pursuant to subdivision (1). On a
21 timely basis, he or she shall also send electronic copies of
22 the opinions to any public official who has asked to receive
23 them and who has provided a working e-mail address for that
24 purpose.

25 "(4) He or she shall, in the month of October of the
26 last year of his or her term of office, compile a report,
27 which shall include suggestions for the suppression of crime

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

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

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

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

20 "(8) At such time as the Attorney General deems
21 appropriate, the Attorney General may make a report in writing
22 to the Governor and to the Chairman of the Judiciary Committee
23 of the House of Representatives and of the Senate, pointing
24 out the laws or parts of laws of Alabama which have been held
25 invalid by courts of last resort since the last session of the
26 Legislature, and also making suggestions as to inaccuracies,

1 inadvertences, mistakes, and omissions in statutes, which, in
2 his or her opinion, should be corrected.

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

11 "(9) ~~(10)~~ He or she may, when requested to do so by
12 the chief executive authority of any municipality in the State
13 of Alabama, represent the municipality before the appellate
14 courts of this state in any case appealed to such courts
15 involving the constitutionality of a municipal ordinance.

16 "(10) ~~(11)~~ When extradition papers are presented to
17 the Governor by the executive authority of another state
18 seeking to extradite a person from Alabama, or by the proper
19 authority of the State of Alabama seeking to extradite a
20 person from another state, the extradition papers shall be
21 submitted to the Attorney General for examination and shall be
22 approved by him or her both as to form and legality before the
23 papers are acted upon by the Governor, and, when requested so
24 to do by the Governor, the Attorney General shall advise him
25 or her as to his or her action thereon.

26 "(11) ~~(12)~~ When requested so to do by the Governor,
27 the Attorney General shall examine all bills, resolutions, and

1 other documents submitted by the Legislature to the Governor
2 for his or her consideration under Section 125 of the
3 constitution, and advise him or her as to his or her action
4 thereon.

5 "(12) ~~(13)~~ The duties imposed by this section upon
6 the Attorney General and his or her assistants shall be
7 performed by the ~~attorney general~~ Attorney General personally
8 or by his or her assistants under his or her supervision,
9 direction, and control.

10 "(13) ~~(14)~~ Any statute to the contrary
11 notwithstanding, no attorney shall represent the State of
12 Alabama, or any agency, department, or instrumentality of the
13 state in any litigation in any court or tribunal unless the
14 attorney has been appointed as a deputy attorney general or
15 assistant attorney general. Nothing in this section shall
16 prevent the Governor from employing ~~personal~~ counsel pursuant
17 to Section 36-13-2.

18 "§36-15-4.2.

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

22 "(b) The fund, ~~or other funds,~~ may consist of any
23 and all monies designated by a court order as reasonable
24 attorney fees and related expenses or negotiated fees and
25 related expenses for matters settled out of court, and
26 penalties paid in certain cases received by the Attorney
27 General pursuant to this section as a result of any fees,

1 fines, restitution, forfeitures, penalties, costs, interest,
2 or judgments collected pursuant to any civil litigation, or
3 any administrative proceedings, or in settlement of any claim
4 asserted by or against the people of Alabama, the State of
5 Alabama, or any of its departments, agencies, institutions,
6 officers, employees, or political subdivisions thereof.

7 ~~Notwithstanding the foregoing, the fees, fines, restitution,~~
8 ~~forfeitures, penalties, costs, interest, or judgements shall~~
9 ~~not be affected by this article unless the recipient entity of~~
10 ~~the fees, fines, restitution, forfeitures, penalties, costs,~~
11 ~~interest, or judgements agrees by written contract to~~

12 ~~designate the receipt of such or a portion thereof to the~~
13 ~~Attorney General. Such a written contract shall be reviewed by~~

14 Notwithstanding the foregoing, the fees, fines, restitution,
15 forfeitures, penalties, costs, interest, or judgements shall
16 not be affected by this article unless the recipient entity of
17 the fees, fines, restitution, forfeitures, penalties, costs,
18 interest, or judgements agrees by written contract to

19 designate the receipt of such or a portion thereof to the
20 Attorney General. Such a written contract shall be reviewed by
21 the Contract Review Committee of the Legislature.

22 ~~Notwithstanding any provision of this subsection, or any other~~
23 ~~provision of law, Effective as of October 1, 2009 September~~
24 ~~30, 2010, the Attorney General may not accept judgments or~~
25 ~~settlements of any kind, or any part thereof, court ordered~~
26 ~~attorney fees and related expenses or negotiated settlements~~
27 ~~and penalties for the use of the Office office of the~~

1 ~~Attorney General in excess an amount of up to the total of~~
2 ~~the actual expenses of the Office office of the Attorney~~
3 ~~General, pursuant to the the use of the Office office of the~~
4 ~~Attorney General in the fiscal year in which the sums are~~
5 ~~received in a total cumulative amount of 50 percent of the sum~~
6 ~~allocated to the office of the Attorney General from the State~~
7 ~~General Fund for that fiscal year and may retain and carryover~~
8 ~~up to 125 percent of the sum allocated to the office of the~~
9 ~~Attorney General from the State General Fund to the next~~
10 ~~fiscal year, which shall be taken into account by the~~
11 ~~Legislature in future appropriations. Provided further,~~
12 ~~however, any provision of this section shall not apply to any~~
13 ~~attorney fees and related expenses or negotiated settlements~~
14 ~~and penalties related to the 2010 gulf oil spill excess of the~~
15 ~~actual expenses of the Office of the Attorney General,~~
16 ~~pursuant to the litigation or the issue settled plus 10~~
17 ~~percent of the amount of such judgments or settlements.~~
18 ~~Provided further, however, that the total amount above actual~~
19 ~~expenses which may be retained by the Attorney General~~
20 ~~pursuant to this section, shall not exceed one million dollars~~
21 ~~(\$1,000,000) per fiscal year. Any judgments or settlements~~
22 ~~attorney fees and related expenses or penalties received by~~
23 ~~the office of the Attorney General in excess of the amount~~
24 ~~shall be remitted to the State General Fund. ~~The actual~~~~
25 ~~expenses of Any amount received pursuant to this subsection by~~
26 ~~the office of the the Attorney General pursuant to litigation~~
27 ~~or the issue settled shall be certified by the Attorney~~

1 General to the ~~Chairman of the Senate Committee on Finance and~~
2 ~~Taxation and the Chairman of the House Ways and Means~~
3 ~~Committee~~ Chairs of the Senate Committee on Finance and
4 Taxation General Fund and the House Ways and Means General
5 Fund Committee and the state ~~Comptroller~~ Budget Officer.

6 "(c) The Attorney General may expend monies
7 appropriated by the Legislature from the fund for the purpose
8 of implementing any provision of this article or for the
9 performance of any of the powers, functions, duties, and
10 responsibilities of the office of the Attorney General.

11 "(d) The fund shall be placed under the management
12 or administration of the Attorney General for the purpose of
13 implementing this article or for the purpose of performing any
14 of the functions, duties, powers, and responsibilities of the
15 office of the Attorney General and all monies deposited in the
16 fund are available for appropriation to the office of the
17 Attorney General. The appropriations shall be budgeted and
18 allotted pursuant to Article 4 of Chapter 4 of Title 41.

19 "(e) The appropriation of these monies shall be in
20 addition to any monies appropriated to the office of the
21 Attorney General from the State General Fund or from any other
22 sources.

23 "(f) Neither the Attorney General, nor any employee
24 of that office, shall have any financial interest in the
25 investment of monies in the fund nor receive any commission
26 with respect thereto.

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

4 "§36-15-5.1.

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

7 "(b) The Attorney General may appoint, in such a
8 manner or number as the Attorney General deems necessary,
9 deputy attorneys general so long as the number of full-time
10 deputy attorneys general employed in the office of the
11 Attorney General does not exceed 12 and the number of
12 full-time deputy attorneys general employed in any state
13 department or agency does not exceed one. The compensation,
14 salaries, expenses, and benefits of the deputy attorneys
15 general shall be paid from funds available to the Attorney
16 General or the department or agency employing the deputy
17 attorney general.

18 "(c) All deputy attorneys general shall be appointed
19 by and shall serve at the pleasure of the Attorney General and
20 shall perform such duties and exercise such powers as the
21 Attorney General may direct. Notwithstanding the foregoing,
22 when the State Department of Transportation requires the
23 service of a deputy attorney general for condemnation
24 proceedings, the department shall request that the Attorney
25 General appoint a deputy attorney general for the purpose and
26 if the Attorney General does not make the appointment within
27 30 days from the receipt of the request, the general counsel

1 of the department shall make the appointment from a list of
2 attorneys compiled by the Attorney General which he or she
3 deems to be competent in handling condemnation proceedings.

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

7 "(e) Any attorney serving in the classified service
8 of the State of Alabama may be considered by the Attorney
9 General for appointment as a deputy attorney general. In the
10 event that an attorney serving in the classified service of
11 the State of Alabama shall accept appointment as a deputy
12 attorney general and shall later be removed or resign from the
13 position of deputy attorney general, the attorney shall revert
14 to his or her former position in which he or she held status
15 in the classified service. The reversion shall be without loss
16 of salary or other benefits which would have accrued to the
17 attorney and to which the attorney would have otherwise been
18 entitled had he or she remained within the classified service.

19 "(f) A deputy attorney general employed in the
20 office of the Attorney General shall be compensated at a rate
21 to be designated by the Attorney General. A deputy attorney
22 general assigned to another department or agency shall be
23 compensated at a rate set by the chief executive officer of
24 the department or agency after consultation with the Attorney
25 General. The compensation of all other deputy attorneys
26 general shall be at a rate set by executive order of the
27 Governor. When designating salaries, the Attorney General

1 shall choose from among the salary ranges set by the State
2 Personnel Board and published in the State of Alabama
3 compensation plan. The establishment of the range and step
4 within the range of the starting salary shall be at the
5 discretion of the Attorney General upon the appointment of
6 each deputy attorney general and may vary between persons so
7 appointed. When so designated, the salaries, expenses, and
8 benefits of a deputy attorney general shall be paid from the
9 State Treasury in the same manner that the salary and expenses
10 of employees in the classified service are paid.

11 "§36-15-6.

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

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

19 "(b) ~~(c)~~ Subject to the Merit System, the Attorney
20 General may employ as many investigators in his or her office
21 as may be necessary to perform investigatory functions for the
22 office.

23 "(c) ~~(d)~~ Investigators appointed pursuant to this
24 section shall have all the powers vested in deputy sheriffs
25 and all other law enforcement officers of the State of
26 Alabama, including, but not limited to, the powers of arrest
27 and the power to serve any and all process, and shall perform

1 the duties, responsibilities, and functions as may be
2 designated by the Attorney General.

3 "(d) ~~(e)~~ No person shall serve as an investigator
4 who has not met the minimum standards established for law
5 enforcement officers by the Alabama Peace Officers' Standards
6 and Training Commission or other standards as may be hereafter
7 provided by law. Investigators appointed pursuant to this
8 section shall meet other additional standards as the Attorney
9 General may adopt.

10 "(e) ~~(f)~~ All investigators appointed pursuant to
11 this section shall be entitled to all benefits provided
12 employees of the Alabama Department of Public Safety,
13 including, but not limited to, participation in any retirement
14 plan afforded state troopers.

15 "§36-15-9.

16 "All assistant and full-time deputy attorneys
17 general of the State of Alabama appointed by the Attorney
18 General, ~~or by the Attorney General with the approval of the~~
19 ~~Governor,~~ are hereby prohibited from engaging in the private
20 practice of the law during the time they are such assistant or
21 full-time deputy attorneys general; ~~provided, however, that~~
22 ~~this prohibition shall not apply to assistant attorneys~~
23 ~~general employed by the Attorney General, with the approval of~~
24 ~~the Governor, to perform legal services for the state in a~~
25 ~~designated case only.~~ All assistant and full-time deputy
26 attorneys general appointed by the Attorney General, ~~or by the~~
27 ~~Attorney General with the approval of the Governor, except~~

1 ~~assistant attorneys general employed by the Attorney General~~
2 ~~with the approval of the Governor to perform legal services~~
3 ~~for the state in a designated case only, are hereby required~~
4 ~~to maintain offices at the capitol during the time they are~~
5 ~~assistant attorneys general and are hereby prohibited from~~
6 maintaining private law offices ~~outside of the capitol~~ during
7 such time.

8 "§36-15-10.

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

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

23 "§36-15-11.1.

24 "The Attorney General may employ within his or her
25 office no more than ~~five~~ 10 paralegal employees whose
26 compensation, salaries, and expenses or benefits shall be paid
27 from funds available to the Attorney General in the same

1 amounts and manner as provided for special administrative
2 assistants under this article. The paralegal employees shall
3 be appointed by and serve at the pleasure of the Attorney
4 General.

5 "§36-15-13.

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

13 ~~"(b) Any law to the contrary notwithstanding, in~~
14 ~~addition to the power granted in subsection (a), the Attorney~~
15 ~~General may issue subpoenas for any witness the Attorney~~
16 ~~General may require to come before the Attorney General for~~
17 ~~examination under oath administered by the Attorney General as~~
18 ~~to any violation of state law. The subpoena may also direct~~
19 ~~the person to whom it is directed to produce the books,~~
20 ~~papers, documents, or other objects which may be designated~~
21 ~~therein. Subpoenas may be issued at any time, whether or not a~~
22 ~~grand jury is in session.~~

23 ~~"(c) Failure to appear at the time and place as~~
24 ~~required by a subpoena, or failure to remain until released or~~
25 ~~to provide testimony or documents, shall result in attachment~~
26 ~~by order of the court. Enforcement of the subpoena or~~
27 ~~objections thereto shall be heard in the circuit court where~~

1 ~~the indictment, if any, is pending. If there is no indictment,~~
2 ~~these matters shall be heard in the appropriate circuit court~~
3 ~~at the location where the appearance or production was~~
4 ~~directed to occur or in the Circuit Court of Montgomery County~~
5 ~~at the option of the Attorney General.~~

6 ~~"(d) As used in this section, the term Attorney~~
7 ~~General shall include the Attorney General, full-time deputy~~
8 ~~attorneys general, and assistant attorneys general assigned to~~
9 ~~the office of the Attorney General.~~

10 "§36-15-14.

11 "The Attorney General, either in person or by one of
12 his or her assistants, ~~may~~ at any time he or she deems ~~sees~~
13 proper, either before or after indictment, may superintend and
14 direct the prosecution of any criminal case in any of the
15 courts of this state. The district attorney prosecuting in
16 such court, upon request, shall assist and act in connection
17 with the Attorney General or his or her assistant in such
18 case.

19 "§36-15-16.

20 "The Attorney General may incur such expenses as may
21 be necessary in the investigation of violations of the
22 criminal law, in the prosecution of crime and in the conduct,
23 investigation, and prosecution of any civil action in which
24 the state is interested or ~~the state's revenue is~~ state funds
25 are involved and such other incidental expenses of the office
26 as may be necessary. All expenses incurred under the authority
27 of this section ~~must~~ shall be approved by the Attorney General

1 and the Governor and shall be paid by warrant as other state
2 expenses are paid.

3 "§36-15-17.

4 "During the absence of the Attorney General and the
5 chief deputy from the seat of government, or when so directed
6 by ~~him~~ the Attorney General, the assistants to the Attorney
7 General may render official opinions to such officers as the
8 Attorney General is ~~required~~ permitted to advise, and may
9 perform such other duties as may be directed by the Attorney
10 General. During such absence, such authority shall be vested
11 in the senior assistant to be designated by the Attorney
12 General, and in the absence of the latter also, in the next
13 ranking assistant. The performance of such duties by such
14 assistants shall have the same force and effect as if
15 performed by the Attorney General.

16 "§36-15-21.1.

17 "(a) Any laws to the contrary notwithstanding,
18 whenever any litigation is instituted against any state
19 department, division, board, bureau, commission, agency,
20 institution, or officer or employee in their official or
21 individual capacity relating to their official duties, such
22 entity shall promptly notify the office of the Attorney
23 General of the action. This notification shall include a
24 description of the controversy, the relief sought, and other
25 information the Attorney General deems necessary.

26 "(b) This information shall be maintained in a
27 central location within the office of the Attorney General.

1 ~~This material shall be organized in a manner so that all of~~
2 ~~the following information may be ascertained:~~

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

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

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

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

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

12 ~~"§36-15-60.~~

13 ~~"The Attorney General may appoint a chief~~
14 ~~investigator for his or her office and up to ~~four~~ six~~
15 ~~additional investigators as the Attorney General may from time~~
16 ~~to time deem necessary. The investigators shall serve at the~~
17 ~~pleasure of the Attorney General.~~

18 ~~"§36-15-62.~~

19 ~~"(a) The chief investigator and other investigators~~
20 ~~appointed pursuant to ~~the provisions of~~ this article shall be~~
21 ~~compensated at a rate to be set by the Attorney General. In~~
22 ~~setting the rate of compensation the Attorney General may take~~
23 ~~into consideration that amount paid to other law enforcement~~
24 ~~officers of the State of Alabama, including, but not limited~~
25 ~~to, those officers of corresponding duties, lengths of~~
26 ~~service, and responsibilities in the ~~state~~ Alabama Department~~
27 ~~of Public Safety.~~

1 "(b) In the event anyone serving in the classified
2 service of the State of Alabama shall accept appointment as an
3 investigator and shall later be removed or resign from the
4 position of investigator, the person shall revert to his or
5 her former position in which he or she held status in the
6 classified service. The reversion shall be without loss of
7 salary or other benefits which would have accrued to the
8 person and to which he or she would have been entitled had he
9 or she remained within the classified service.

10 "(c) When designating the salaries, the Attorney
11 General shall choose from among the salary ranges set by the
12 State Personnel Board for employees of the Alabama Department
13 of Public Safety.

14 "(d) The establishment of the range and step within
15 the range of the starting salary shall be at the discretion of
16 the Attorney General upon the appointment of each investigator
17 and may vary between persons so appointed.

18 "(e) All investigators appointed pursuant to ~~the~~
19 ~~provisions of~~ this article shall be entitled to all benefits
20 provided employees of the Alabama Department of Public Safety,
21 including, ~~but not limited to,~~ participation in any retirement
22 plan afforded state troopers. ~~Provided, however, such~~ Such
23 investigators shall be appointed by and serve at the pleasure
24 of the Attorney General.

25 "(f) The salaries, expenses, ~~and~~ and benefits of the
26 investigators appointed pursuant to ~~the provisions of~~ this
27 article shall be paid from the State Treasury in the same

1 manner that the salaries, expenses, and benefits of employees
2 in the classified service are paid."

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

5 (a) Any person who knowingly commits any of the
6 following in any matter under investigation by the Attorney
7 General, or a ~~member~~ prosecutor or investigator of his or her
8 office, upon conviction shall be guilty of a Class C felony:

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

11 (2) Making a materially false, fictitious, or
12 fraudulent statement or representation.

13 (3) Making or using a false writing or document,
14 knowing the same to contain any materially false, fictitious,
15 or fraudulent entry.

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

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

21 Section 3. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 06-APR-11

Read for the second time and placed
on the calendar 3 amendments 14-APR-11

Read for the third time and passed
as amended..... 26-APR-11

Yeas 96, Nays 0, Abstains 0

Greg Pappas
Clerk