

ATTORNEYS GENERAL

TABLE 4.21

Attorneys General: Prosecutorial and Advisory Duties

State or other jurisdiction	Authority in local prosecutions:				Issues advisory opinions (a):				Reviews legislation (b):	
	Authority to initiate local prosecutions	May intervene in local prosecutions	May assist local prosecutor	May supersede local prosecutor	To state executive officials	To legislators	To local prosecutors	On the constitutionality of bills or ordinances	Prior to passage	Before signing
Alabama	A	A,D	A,D	A	★	★	★	...	★	...
Alaska	(c)	(c)	(c)	(c)	★	★	...	★	★	★
Arizona	A,D,F	A,D	A,D,F	D,F	★	★	★	★(x)	(u)	(u)
Arkansas	D	...	D	...	★	★	★	...	...	...
California	A,B,C,D,E,F	A,B,C,D,E,F	A,B,C,D,E,F	A,B,C,D,E,F,G	★	★	★	★	(v)	(v)
Colorado	A,F	A	D,F	A	★	★	★	★	★	★
Connecticut	...	...	...	...	★	(d)	...	★	(e)	(e)
Delaware	A(f)	(f)	(f)	(f)	★	★	...	★	(g)	(g)
Florida	F	...	D	...	★	★	★	...	...	...
Georgia	B,D,F,G	...	A,D	...	★	★	★	...	...	...
Hawaii	A,B,C,D,E	A,B,C,D,E	A,B,C,D,E	A,B,C,D,E	★	★	...	★(h)	★	★
Idaho	B,D,F	D,F	D	...	★	★	★	...	★	★
Illinois	D,F	D,G	D	G	★	★	★	...	(i)	(i)
Indiana	F	...	D	...	★	★	★	★	...	...
Iowa	D,F	D,F	D,F	D,E,F	★	★	★	...	(j)	(j)
Kansas	B,C,D,F	B,C,D,F,G	D	B,C,D,F,G	★	★	★	...	...	...
Kentucky	D,F,G	B,D,G	D	B	★	★	★	★	...	...
Louisiana	D,E,G	D,E,G	D,E,G	E,G	★	★	★	...	★	★
Maine	A	A	A	A	★	★	...	...	...	...
Maryland	B,F	D	D	...	★	★	★	★	★	★
Massachusetts	A	A	A,D	A	★	★(k)	★	★	(l)	(l)
Michigan	A	A	A	A	★	★	★	★	...	...
Minnesota	B,D,F	B,D,G	A,B,D,G	B	★	★(k)	★	...	(l)	(l)
Mississippi	A,D,F	D,F	A,D,F	D,F	★	★	★	...	...	...
Missouri	B,F,G	F	B,F	G	★	★	★	...	(l)	(l)
Montana	D	E	D,E	E	★	★(m)	★	...	...	...
Nebraska	A,D	A,D	A,D,E,F	...	★	★	★	★	...	...
Nevada	A,B,D,E,F	A,B,D,E,F	A,B,D,E,F	A,B,D,E,F	★	...	★	★	...	...
New Hampshire	A,E(y)	A,E(y)	A,D,E	A,E	★	★	...	...	(n)	(n)
New Jersey	A,B,C,D	A,B,C,D	A,B,C,D	A,B,C,D	★	...	★	★	★	★
New Mexico	B,D,E,F	D,E,F	A,B,D,E,F	D,E,F,G	★	★	★	★	★	★
New York	B,F	B,D,F	D	B	★	★(k)	★	★	★	★
North Carolina	...	D	D	...	★	★	★	★	★	...
North Dakota	D,E,F,G	A,D,E,G	A,D,E,F,G	A,D,E,G	★	★	...	...	...	...
Ohio	D,F	D	D	F	★	(m)	★	...	...	...
Oklahoma	A,B,C,D,E,F,G	A,B,C,D,E,F,G	A,B,C,D,E,F,G	A,B,C,D,E,F,G	★	★	★	★	★	★
Oregon	B,D,F	B,D	B,D	B	★	★	★	...	...	★
Pennsylvania	A,D,F	D,F,G	D,F	G	★	...	...	...	...	...
Rhode Island	A	A	A	A	★	★	...	...	...	...
South Carolina	A,D,E,F	A,B,C,D,E,F	A,D,E	A,E	★	(q)	★	★	★(w)	★(w)
South Dakota	A,B,D,E,F(p)	D,G	A,B,D,E	D,F	★	★	★	...	★	...
Tennessee	D,F,G	D,G	D,F	F,G	★	★	★	★	...	...
Texas	F	...	D	...	(z)	(z)	(z)	(z)	...	...
Utah	A,B,D,E,F,G	E,G	D,E	E	★	★(q)	★	★	★(l)	★(l)
Vermont	A	A	A	G	★	★	★	★	★	★
Virginia	B,F	B,D,F	B,D,F	B	★	★	★	★	★	★
Washington	B,D,G	B,D,G	B,D,G	B,D,G	★	★	★	...	(o)	(o)
West Virginia	(r)	...	...	...	★	★	★	★	...	...
Wisconsin	B,C,D,F	B,C,D	D	B	★	★	★	★	(e)	(e)
Wyoming	B,D,F	B,D	B,D	G	★	★	★	★(h)	★	★
Dist. of Columbia	F	D	D	F	★	★	(s)	★	★	★
American Samoa	A(t)	(t)	(t)	(t)	★	...	(t)	(e)	(l)	(l)
Guam	A	A	A	A	★	★	★	★	(l)	B
CNMI*	A(t)	(t)	(t)	(t)	★	★	...	★	...	...
Puerto Rico	A	(t)	(t)	(t)	★	★	...	...	★	★
U.S. Virgin Islands	A(t)	(t)	(t)	(t)	★	...	...	★	★	★

See footnotes at end of table

TABLE 4.21

**Attorneys General: Prosecutorial and Advisory Duties** (continued)

Sources: The Council of State Governments' survey of attorneys general, state constitutions and statutes, October 2017.

\*Commonwealth of the Northern Mariana Islands

Key:

A—On own initiative.

B—On request of governor.

C—On request of legislature.

D—On request of local prosecutor.

E—When in state's interest.

F—Under certain statutes for specific crimes.

G—On authorization of court or other body.

★—Has authority in area.

...—Does not have authority in area.

- (a) Also issues advisory opinions to: Alabama—Designated heads of state departments, agencies, boards, and commissions; local public officials; and political subdivisions. Hawaii—Judges/judiciary as requested. Kansas—to counsel for local units of government. Montana—county and city attorneys, city commissioners. Wisconsin—corporation counsel.
- (b) Also reviews legislation: Alabama—when requested by the governor. Alaska—after passage. Arizona—at the request of the legislature. Kansas—upon request of Legislator, no formal authority.
- (c) The attorney general functions as the local prosecutor.
- (d) To legislative leadership.
- (e) Informally reviews bills or does so upon request.
- (f) The attorney general functions as the local prosecutor.
- (g) Discretion to informally review upon request of legislative or executive branch, but reviews are not legal advice nor formal action.
- (h) Bills, not ordinances.
- (i) Review and track legislation that relates to the Office of Attorney General and the office mission.
- (j) No requirements for review.
- (k) To legislature as a whole not individual legislators.
- (l) Only when requested by governor or legislature.
- (m) To either the House of Representatives or the Senate, when so requested by resolution or passed by membership; To law directors of townships that have adopted limited self-government under R.C. Chapter 504.
- (n) Provides information when requested by the Legislature. Testifies for or against bills on the Attorney General's own initiative.

(o) May review legislation at request of clients or legislature.

(p) Certain statutes provide for concurrent jurisdiction with local prosecutors.

(q) Only when requested by legislature.

(r) Can be involved in local at request of local prosecutors. If requested by local authority, can participate in criminal prosecutions.

(s) The office of attorney general prosecutes local crimes to an extent. The office's Legal Counsel Division may issue legal advice to the office's prosecutorial arm. Otherwise, the office does not usually advise the OUSA, the district's other local prosecutor.

(t) The attorney general functions as the local prosecutor.

(u) Reviews enacted legislation only when there is a compelling need.

(v) May review legislation at any time but does not have a de jure role in approval of bills as to form or constitutionality; California has a separate Legislative Counsel to advise the legislature on bills.

(w) Has concurrent jurisdiction with states' attorneys. Only when requested by governor or legislature.

(x) At the request of one or more members of the legislature, the attorney general shall investigate any ordinance, regulation, order or other official action adopted or taken by the governing body of a county, city or town that the member alleges violates state law or the Constitution of Arizona.

(y) Attorney general has statewide prosecutorial authority in any court. No request or order is required for the AG to initiate a prosecution. The Attorney General has authority to intervene, no request or order is required, but does not do so except in an extreme circumstance.

(z) The attorney general's office may issue an opinion on a question affecting the public interest or concerning the official duties of the requesting person. The opinion is a written interpretation of existing law. Authorized requestors are: the governor, head of a department of state government, the head or board or a penal institution, the head or board of an eleemosynary institution, the head of a state board, a regent or trustee of a state educational institution, a committee of a house of the Texas Legislature, a county auditor authorized by law, the chair of the governing board of a river authority and a district or county attorney.