

REFERENCE TITLE: county attorney; representation; duties

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1211

Introduced by
Senator Bennett

AN ACT

AMENDING SECTION 11-532, ARIZONA REVISED STATUTES; RELATING TO COUNTY ATTORNEYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-532, Arizona Revised Statutes, is amended to
3 read:

4 11-532. Powers and duties; definition

5 A. The county attorney is the public prosecutor of the county and
6 shall:

7 1. Attend the superior and other courts within the county and
8 conduct, on behalf of the state, CONDUCT all prosecutions for public
9 offenses.

10 2. Institute proceedings before magistrates for the arrest of
11 persons charged with or reasonably suspected of public offenses when the
12 county attorney has information that the offenses have been committed.

13 3. If not engaged in criminal proceedings in the superior court,
14 attend on the magistrates in cases of arrest if required by them, and
15 attend before and give advice to the grand jury.

16 4. Draw indictments and informations, defend actions brought
17 against the county and prosecute actions to recover recognizances
18 forfeited in courts of record and actions for recovery of debts, fines,
19 penalties and forfeitures accruing to the state or county.

20 5. Deliver receipts for monies or property received in the county
21 attorney's official capacity and file duplicate receipts with the clerk of
22 the board.

23 6. On the first Monday of January, April, July and October in each
24 year, file with the board of supervisors an account, verified by oath, of
25 all monies received in the county attorney's official capacity during the
26 preceding three months, and at the same time pay it to the county
27 treasurer.

28 7. When required, give a written opinion to county officers on
29 matters relating to the duties of their offices.

30 8. Keep a register of official business, ~~and~~ and enter in the register
31 every action prosecuted, criminal or civil, and of the proceedings of the
32 action.

33 9. Act as the legal advisor to the board of supervisors, attend its
34 meetings and oppose claims against the county that the county attorney
35 deems unjust or illegal.

36 10. Act as THE attorney for school districts BASED ON THE
37 AVAILABILITY OF STAFF AND IF THERE IS NO CONFLICT OF INTEREST, except as
38 provided in section 15-343, ~~or~~ or except in any lawsuits involving a
39 conflict of interest with other county offices, at which time the attorney
40 general may represent the school district.

41 11. Act as THE attorney for the community college district BASED ON
42 THE AVAILABILITY OF STAFF AND IF THERE IS NO CONFLICT OF INTEREST, except
43 as provided in section 15-1448 or except in any lawsuits involving a
44 conflict of interest with other county offices, at which time the attorney
45 general may represent the community college district.

1 12. Defend all locally valued and assessed property tax appeals as
2 provided in section 42-16208.

3 B. On receipt of an appellant's brief in a criminal appeal, the
4 county attorney shall furnish the attorney general with a true statement
5 of the facts in the case, together with the available authorities and
6 citations that are responsive to the assignments or specifications of
7 error.

8 C. The county attorney may represent a school district governing
9 board member against whom an action is brought in the board member's
10 individual capacity until it is established as a matter of law that the
11 alleged activity or events that form the basis of the complaint were not
12 performed, or not directed to be performed, within the scope or course of
13 the member's duties.

14 D. Notwithstanding article 12 of this chapter, in connection with
15 the investigation or prosecution of any matter involving the death of a
16 person, the county attorney may request that the medical examiner, for the
17 county in which the prosecution will take place, conduct the medical
18 examination.

19 E. The county attorney may provide civil legal services to another
20 county or other political subdivision of this state or an officer,
21 employee or agency of a political subdivision of this state at the request
22 of that county's or political subdivision's elected or appointed general
23 counsel or pursuant to an intergovernmental agreement entered into by the
24 county and the other political subdivision as provided in chapter 7,
25 article 3 of this title at the request of the county attorney. Any
26 intergovernmental agreement shall state any payment to be rendered for the
27 services and the scope of the representation. The county attorney may
28 also obtain civil legal services for the county or for an officer,
29 employee or agency of the county, from the elected or appointed general
30 counsel of another county or other political subdivision of this state by
31 request or pursuant to an intergovernmental agreement.

32 F. For the purposes of this section "general counsel" means an
33 elected or appointed county attorney, city attorney or town attorney.