

1 **ATTORNEY GENERAL SECURITY DETAIL AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Schultz**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to the attorney general's security detail.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ allows the attorney general to provide for the attorney general's own security detail;

13 and

14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **67-5-1**, as last amended by Laws of Utah 2013, Chapters 101 and 237

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **67-5-1** is amended to read:

25 **67-5-1. General duties.**

26 (1) The attorney general shall:

27 [~~(1)~~] (a) perform all duties in a manner consistent with the attorney-client relationship



28 under Section 67-5-17;

29 ~~[(2)]~~ (b) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme
30 Court and the Court of Appeals of this state, and all courts of the United States, and prosecute
31 or defend all causes to which the state or any officer, board, or commission of the state in an
32 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
33 state is interested;

34 ~~[(3)]~~ (c) after judgment on any cause referred to in Subsection ~~[(2)]~~ (1)(b), direct the
35 issuance of process as necessary to execute the judgment;

36 ~~[(4)]~~ (d) account for, and pay over to the proper officer, all money that comes into the
37 attorney general's possession that belongs to the state;

38 ~~[(5)]~~ (e) keep a file of all cases in which the attorney general is required to appear,
39 including any documents and papers showing the court in which the cases have been instituted
40 and tried, and whether they are civil or criminal, and:

41 ~~[(a)]~~ (i) if civil, the nature of the demand, the stage of proceedings, and, when
42 prosecuted to judgment, a memorandum of the judgment and of any process issued if satisfied,
43 and if not satisfied, documentation of the return of the sheriff;

44 ~~[(b)]~~ (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of
45 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
46 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
47 prevention; and

48 ~~[(c)]~~ (iii) deliver this information to the attorney general's successor in office;

49 ~~[(6)]~~ (f) exercise supervisory powers over the district and county attorneys of the state
50 in all matters pertaining to the duties of their offices, and from time to time require of them
51 reports of the condition of public business entrusted to their charge;

52 ~~[(7)]~~ (g) give the attorney general's opinion in writing and without fee to the
53 Legislature or either house and to any state officer, board, or commission, and to any county
54 attorney or district attorney, when required, upon any question of law relating to their
55 respective offices;

56 ~~[(8)]~~ (h) when required by the public service or directed by the governor, assist any
57 county, district, or city attorney in the discharge of ~~[his]~~ the county, district, or city attorney's
58 duties;

59 ~~[(9)]~~ (i) purchase in the name of the state, under the direction of the state Board of
60 Examiners, any property offered for sale under execution issued upon judgments in favor of or
61 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
62 consideration of the purchases;

63 ~~[(10)]~~ (j) when the property of a judgment debtor in any judgment mentioned in
64 Subsection ~~[(9)]~~ (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien,
65 or encumbrance taking precedence of the judgment in favor of the state, redeem the property,
66 under the direction of the state Board of Examiners, from the prior judgment, lien, or
67 encumbrance, and pay all money necessary for the redemption, upon the order of the state
68 Board of Examiners, out of any money appropriated for these purposes;

69 ~~[(11)]~~ (k) when in the attorney general's opinion it is necessary for the collection or
70 enforcement of any judgment, institute and prosecute on behalf of the state any action or
71 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
72 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
73 Examiners, out of any money not otherwise appropriated;

74 ~~[(12)]~~ (l) discharge the duties of a member of all official boards of which the attorney
75 general is or may be made a member by the Utah Constitution or by the laws of the state, and
76 other duties prescribed by law;

77 ~~[(13)]~~ (m) institute and prosecute proper proceedings in any court of the state or of the
78 United States to restrain and enjoin corporations organized under the laws of this or any other
79 state or territory from acting illegally or in excess of their corporate powers or contrary to
80 public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations,
81 and wind up their affairs;

82 ~~[(14)]~~ (n) institute investigations for the recovery of all real or personal property that
83 may have escheated or should escheat to the state, and for that purpose, subpoena any persons
84 before any of the district courts to answer inquiries and render accounts concerning any
85 property, examine all books and papers of any corporations, and when any real or personal
86 property is discovered that should escheat to the state, institute suit in the district court of the
87 county where the property is situated for its recovery, and escheat that property to the state;

88 ~~[(15)]~~ (o) administer the Children's Justice Center as a program to be implemented in
89 various counties pursuant to Sections [67-5b-101](#) through [67-5b-107](#);

90 ~~[(16)]~~ (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter
91 4a, Constitutional and Federalism Defense Act;

92 ~~[(17)]~~ (q) pursue any appropriate legal action to implement the state's public lands
93 policy established in Section ~~63C-4a-103~~;

94 ~~[(18)]~~ (r) investigate and prosecute violations of all applicable state laws relating to
95 fraud in connection with the state Medicaid program and any other medical assistance program
96 administered by the state, including violations of Title 26, Chapter 20, Utah False Claims Act;

97 ~~[(19)]~~ (s) investigate and prosecute complaints of abuse, neglect, or exploitation of
98 patients at:

99 ~~[(a)]~~ (i) health care facilities that receive payments under the state Medicaid program;
100 and

101 ~~[(b)]~~ (ii) board and care facilities, as defined in the federal Social Security Act, 42
102 U.S.C. Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility;
103 and

104 ~~[(20)-(a)]~~ (t) (i) report at least twice per year to the Legislative Management Committee
105 on any pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

106 ~~[(i)]~~ (A) cost the state more than \$500,000; or

107 ~~[(i)]~~ (B) require the state to take legally binding action that would cost more than
108 \$500,000 to implement; and

109 ~~[(b)]~~ (ii) if the meeting is closed, include an estimate of the state's potential financial or
110 other legal exposure in that report.

111 (2) The attorney general may use employees of the Office of the Attorney General to
112 provide a security detail for the attorney general and any of the attorney general's staff.