

**61-1-21.5 Legal counsel -- Prosecutions.**

- (1) The attorney general shall advise and represent the division, the commission, and the staff of the division in all civil matters, administrative or judicial, requiring legal counsel or services in:
  - (a) the exercise or defense of the division's or commission's power; or
  - (b) the performance of the division's or commission's duties.
- (2) With the concurrence of the attorney general, the staff of the division may represent the division in hearings conducted during the course of adjudicative proceedings of the commission or the division.
- (3)
  - (a) In the prosecution of all criminal actions under this chapter, the attorney general, county attorney, or district attorney of the appropriate jurisdiction, shall provide all legal services for the division, the commission, and the staff of the division.
  - (b) The division or commission may refer evidence that is available concerning a violation of this chapter for criminal prosecution to:
    - (i) the attorney general; or
    - (ii) the appropriate county attorney, district attorney, or United States Attorney's Office.
- (4) The attorney general, a county attorney, or a district attorney of the appropriate jurisdiction may institute a criminal proceeding under this chapter, with or without referral from the division.

Amended by Chapter 351, 2009 General Session