

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

Senate Engrossed  
**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 16

# **SENATE BILL 1047**

AN ACT

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

(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 conduct,  
8 on behalf of the state, all prosecutions for public offenses.

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

12 3. ~~When~~ IF not engaged in criminal proceedings in the superior court,  
13 attend ~~upon~~ ON the magistrates in cases of arrest ~~when~~ IF required by them,  
14 and attend before and give advice to the grand jury.

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

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

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

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

28 8. Keep a register of official business, and enter ~~therein~~ IN THE  
29 REGISTER every action prosecuted, criminal or civil, and of the proceedings  
30 ~~therein~~ OF THE ACTION.

31 9. Act as the legal advisor to the board of supervisors, attend its  
32 meetings and oppose claims against the county ~~which~~ THAT the county attorney  
33 deems unjust or illegal.

34 10. Act as attorney for school districts except as provided in section  
35 15-343, or except in any lawsuits involving a conflict of interest with other  
36 county offices at which time the attorney general may represent the school  
37 district.

38 11. Act as attorney for the community college district except as  
39 provided in section 15-1448 or except in any lawsuits involving a conflict of  
40 interest with other county offices, at which time the attorney general may  
41 represent the community college district.

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

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

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

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

15           E. The county attorney may provide civil legal services to another  
16 county or other political subdivision of this state or an officer, employee  
17 or agency of a political subdivision of this state AT THE REQUEST OF THAT  
18 COUNTY'S OR POLITICAL SUBDIVISION'S ELECTED OR APPOINTED GENERAL COUNSEL OR  
19 pursuant to an intergovernmental agreement entered into by the county and the  
20 other political subdivision ~~of this state~~ as provided in chapter 7, article 3  
21 of this title at the request of the county attorney. Any intergovernmental  
22 agreement shall state any payment to be rendered for the services and the  
23 scope of the representation. The county attorney may also obtain civil legal  
24 services for the county or for an officer, employee or agency of the county,  
25 from the elected or appointed ~~attorney~~ GENERAL COUNSEL of another county or  
26 other political subdivision of this state BY REQUEST OR pursuant to an  
27 intergovernmental agreement.

28           F. FOR THE PURPOSES OF THIS SECTION "GENERAL COUNSEL" MEANS AN ELECTED  
29 OR APPOINTED COUNTY ATTORNEY, CITY ATTORNEY OR TOWN ATTORNEY.

~~PASSED BY THE HOUSE MARCH 10, 2016.~~

~~PASSED BY THE SENATE FEBRUARY 11, 2016.~~

~~APPROVED BY THE GOVERNOR MARCH 14, 2016.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.~~

Passed the House March 10, 2016,

Passed the Senate February 11, 2016,

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Speaker of the House  
*Pro Tempore*

President of the Senate

Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of March, 2016.

at 1:52 o'clock P. M.

Secretary to the Governor

Approved this 14th day of

March, 2016,

at 4:36 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15 day of March, 2016,

at 9:26 o'clock A. M.

Secretary of State

S.B. 1047