

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

**Article 1 General Provisions**

**Section 36-15-1**

**Duties generally.**

The Attorney General shall keep his or her office at the capital city and perform the following duties:

(1)a. He or she shall give his or her opinion in writing, or otherwise, on any question of law connected with the interests of the state or with the duties of any of the departments, when required by the Governor, Secretary of State, Auditor, Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, Director of Department of Finance, Comptroller, State Health Officer, Public Service Commissioners, Commissioner of Conservation and Natural Resources, or the Director of the Department of Revenue or any other officer or department of the state when it is made, by law, his or her duty so to do, and he or she shall also give his or her opinion to the Chairman of the Judiciary Committee of either house, when required, upon any matter under the consideration of the committee.

b. The Attorney General shall give his or her opinion, in writing or otherwise, as to any question of law connected with the duties of the following county or city officers when requested so to do in writing: Judge of probate, clerk of the circuit court, sheriff, city and county boards of education, county commission, register of the circuit court, tax collector, tax assessor, mayor or chief executive officer of any incorporated municipality, city council or like governing body of any incorporated municipality, or any other officer required to collect, disburse, handle, or account for public funds.

c. Any officer or governing body of a municipality or county or officer or governing body of any other elected or appointed body shall submit with the request for an opinion a resolution adopted by the governing body setting forth the facts showing the nature and character of the question which makes the advice or opinion sought necessary to the present performance of some official act that the officer or governing body must immediately perform.

d. An officer or governing body shall not submit moot, private, or personal questions in which the state, county, or public is not materially or primarily interested to the Attorney General, and any officer shall submit, with request for an opinion, a certificate setting forth the facts showing the nature and character of the question which makes the advice sought necessary to present performance of some official act that the officer must immediately perform.

(2) He or she shall attend, on the part of the state, to all criminal cases pending in the Supreme Court or Court of Criminal Appeals, and to all civil actions in which the state is a party in the Supreme Court or Court of Civil Appeals. He or she shall also attend to all cases other than criminal that may be pending in the courts of this state, in which the state may be in any manner concerned, and shall appear in the courts of other states or of the United States, in any case in which the state may be interested in the result.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

(3) He or she shall post on the Internet searchable, electronic copies of the written official opinions rendered by him or her pursuant to subdivision (1). On a timely basis, he or she shall also send electronic copies of the opinions to any public official who has asked to receive them and who has provided a working e-mail address for that purpose.

(4) He or she shall, in the month of October of the last year of his or her term of office, compile a report, which shall include suggestions for the suppression of crime and the improvement of the criminal administration as he or she may deem proper. Such report shall also contain a statement of the number of criminal cases disposed of in the entire state for the past four years, as shown by reports of district attorneys; and, taking each character of cases separately, it shall show the number disposed of in each judicial circuit and in each criminal court or other court or territory having a separate district attorney, the number of convictions, the number of acquittals, the number of nolle prosequis entered, the number of cases which were abated or otherwise disposed of, the number of sentences to death, the number of sentences to the penitentiary, the number of other sentences, including fines imposed, and the totals under each head above mentioned. One copy of the report shall be retained in the permanent files of the office of the Attorney General, and one copy of the report shall be transmitted to the Governor, the Clerk of the House of Representatives, and the Secretary of the Senate, and two copies of the report shall be transmitted to the Department of Archives and History. The expense of printing and binding all of the reports provided for in this section shall be paid by the state in the same manner as is now or hereafter may be provided for printing and binding for the state.

(5) He or she shall keep and preserve, with proper indexes thereto, copies of all his or her official opinions and correspondence.

(6) He or she shall keep, with proper index thereto, a docket of all civil actions and claims in which the state is in any manner concerned and to which he or she is required to give attention, showing the names and addresses of the parties, the nature and amount of the action or claim, when and in what court action was brought, and steps taken therein, and the final determination and result thereof, and, as to claims for collection, showing also when and from whom the claims were received and the name and address of any agent or attorney to whom sent for collection and the date thereof and, in all cases, the amount and date of each collection, the amount of commissions or other expenses deducted, if any, the net amount collected, when and to whom paid over, and the receipt of the officer therefor.

(7) At such time as the Attorney General deems appropriate, the Attorney General shall carefully examine all of the general statutes now in force, or which hereafter may be enacted by the Legislature from time to time, as to their clarity and constitutional validity.

(8) At such time as the Attorney General deems appropriate, the Attorney General may make a report in writing to the Governor and to the Chairman of the Judiciary Committee of the House of Representatives and of the Senate, pointing out the laws or parts of laws of Alabama which have been held invalid by courts of last resort since the last session of the Legislature, and also making suggestions as to inaccuracies, inadvertences, mistakes, and omissions in statutes, which, in his or her opinion, should be corrected.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

(9) Upon the codification of the statutes provided for in Section 85 of the constitution, he or she shall advise with and assist the committees of the Senate and House of Representatives or the joint committee of the Legislature charged with the duty of examining and investigating the documents submitted by the code commission or any other agency provided by law for the preparation of a code of laws for submission to the Legislature.

(10) He or she may, when requested to do so by the chief executive authority of any municipality in the State of Alabama, represent the municipality before the appellate courts of this state in any case appealed to such courts involving the constitutionality of a municipal ordinance.

(11) When extradition papers are presented to the Governor by the executive authority of another state seeking to extradite a person from Alabama, or by the proper authority of the State of Alabama seeking to extradite a person from another state, the extradition papers shall be submitted to the Attorney General for examination and shall be approved by him or her both as to form and legality before the papers are acted upon by the Governor, and, when requested so to do by the Governor, the Attorney General shall advise him or her as to his or her action thereon.

(12) When requested so to do by the Governor, the Attorney General shall examine all bills, resolutions, and other documents submitted by the Legislature to the Governor for his or her consideration under Section 125 of the constitution, and advise him or her as to his or her action thereon.

(13) The duties imposed by this section upon the Attorney General and his or her assistants shall be performed by the attorney general personally or by his or her assistants under his or her supervision, direction, and control.

(14) Any statute to the contrary notwithstanding, no attorney shall represent the State of Alabama, or any agency, department, or instrumentality of the state in any litigation in any court or tribunal unless the attorney has been appointed as a deputy attorney general or assistant attorney general.

**(Code 1852, §72; Code 1867, §108; Code 1876, §109; Code 1886, §127; Code 1896, §2028; Code 1907, §635; Code 1923, §853; Acts 1939, No. 50, p. 57, §1; Code 1940, T. 55, §228; Acts 1949, No. 475, p. 693, §§1, 2; Acts 1951, No. 398, p. 719, §1; Acts 1995, No. 95-770, p. 1819, §1; Act 2010-369, p. 610, §1; Act 2010-695, p. 1684, §1.)**

**Section 36-15-1.1**

**Retention of powers.**

The Attorney General shall have and retain all of the powers, duties, and authority heretofore granted or authorized by the constitution, statutory law, or the common law.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

Nothing contained in this article shall be construed so as to in any way restrict, limit or abridge the powers, duties, or authority of the Attorney General as heretofore authorized by the constitution, statutory law, or the common law.

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §9.)**

**Section 36-15-3**

**Salary.**

The salary of the Attorney General of Alabama shall be an amount equal to the salary of an Associate Justice of the Supreme Court of Alabama. The salary provided for herein shall be payable in installments as the salaries of other state officers are paid and shall be the full compensation to which the Attorney General is entitled from the state for the performance of his official duties.

**(Acts 1969, No. 411, p. 811, §1.)**

**Section 36-15-4.1**

**Grants, other sources of funds.**

(a) For the purpose of performing any functions, duties or responsibilities of the office of the Attorney General or for the purpose of implementing any provision of this act the Attorney General may receive, accept, expend or utilize any and all money or property of whatever nature, kind or description which may now or hereafter be available to the Attorney General for such purposes.

(b) The Attorney General may receive, accept, utilize, expend and administer any grants, gifts, donations, reimbursements or fees from any public, quasi-public or private source.

(c) The Attorney General may enter into agreements and contracts with the United States of America, the State of Alabama, or any of the respective agencies, institutions, departments, authorities, agents or employees of the above in order to implement the provisions of this act or to defray and recover the costs of representing any of the above; provided, any such agreements or contracts with any agencies, institutions, departments, authorities, agents or employees of the State of Alabama whose department head or chief executive officer is appointed by the Governor, must be approved by the Governor.

**(Acts 1991, 1st Ex. Sess., No. 91-736, §7.)**

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

**Section 36-15-4.2**

**Attorney General's Litigation Support Fund.**

(a) There is established in the State Treasury a special fund to be known as the Attorney General's Litigation Support Fund.

(b) The fund may consist of any and all monies designated by a court order as reasonable attorney fees and related expenses received by the Attorney General pursuant to this section as a result of any fees, fines, restitution, forfeitures, penalties, costs, interest, or judgments collected pursuant to any civil litigation, or any administrative proceedings, or in settlement of any claim asserted by or against the people of Alabama, the State of Alabama, or any of its departments, agencies, institutions, officers, employees, or political subdivisions thereof. Notwithstanding the foregoing, the fees, fines, restitution, forfeitures, penalties, costs, interest, or judgments shall not be affected by this article unless the recipient entity of the fees, fines, restitution, forfeitures, penalties, costs, interest, or judgments agrees by written contract to designate the receipt of such or a portion thereof to the Attorney General. Such a written contract shall be reviewed by the Contract Review Committee of the Legislature. Notwithstanding any provision of this subsection, or any other provision of law, the Attorney General may not accept judgments or settlements of any kind, or any part thereof, for the use of the Office of the Attorney General in excess of the actual expenses of the Office of the Attorney General, pursuant to the litigation or the issue settled plus 10 percent of the amount of such judgments or settlements. Provided further, however, that the total amount above actual expenses which may be retained by the Attorney General pursuant to this section, shall not exceed one million dollars (\$1,000,000) per fiscal year. Any judgments or settlements received by the office of the Attorney General in excess of the amount shall be remitted to the State General Fund.

The actual expenses of the office of the Attorney General pursuant to litigation or the issue settled shall be certified by the Attorney General to the Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee and the state Comptroller.

(c) The Attorney General may expend monies appropriated by the Legislature from the fund for the purpose of implementing any provision of this article or for the performance of any of the powers, functions, duties, and responsibilities of the office of the Attorney General.

(d) The fund shall be placed under the management or administration of the Attorney General for the purpose of implementing this article or for the purpose of performing any of the functions, duties, powers, and responsibilities of the office of the Attorney General and all monies deposited in the fund are available for appropriation to the office of the Attorney General. The appropriations shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41.

(e) The appropriation of these monies shall be in addition to any monies appropriated to the office of the Attorney General from the State General Fund or from any other sources.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

(f) Neither the Attorney General, nor any employee of that office, shall have any financial interest in the investment of monies in the fund nor receive any commission with respect thereto.

(g) It shall be the duty of the Attorney General to keep detailed permanent records of all expenditures and disbursements from the fund.

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §8; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-5.1**

**Deputy attorneys general.**

(a) The position of deputy attorney general of Alabama is created and established.

(b) The Attorney General may appoint, in such a manner or number as the Attorney General deems necessary, deputy attorneys general so long as the number of full-time deputy attorneys general employed in the office of the Attorney General does not exceed 12 and the number of full-time deputy attorneys general employed in any state department or agency does not exceed one. The compensation, salaries, expenses, and benefits of the deputy attorneys general shall be paid from funds available to the Attorney General or the department or agency employing the deputy attorney general.

(c) All deputy attorneys general shall be appointed by and shall serve at the pleasure of the Attorney General and shall perform such duties and exercise such powers as the Attorney General may direct. Notwithstanding the foregoing, when the State Department of Transportation requires the service of a deputy attorney general for condemnation proceedings, the department shall request that the Attorney General appoint a deputy attorney general for the purpose and if the Attorney General does not make the appointment within 30 days from the receipt of the request, the general counsel of the department shall make the appointment from a list of attorneys compiled by the Attorney General which he or she deems to be competent in handling condemnation proceedings.

(d) No person shall be appointed a deputy attorney general who is not authorized to practice law in the State of Alabama.

(e) Any attorney serving in the classified service of the State of Alabama may be considered by the Attorney General for appointment as a deputy attorney general. In the event that an attorney serving in the classified service of the State of Alabama shall accept appointment as a deputy attorney general and shall later be removed or resign from the position of deputy attorney general, the attorney shall revert to his or her former position in which he or she held status in the classified service. The reversion shall be without loss of salary or other benefits which would have accrued to the attorney and to which the attorney would have otherwise been entitled had he or she remained within the classified service.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

(f) A deputy attorney general employed in the office of the Attorney General shall be compensated at a rate to be designated by the Attorney General. A deputy attorney general assigned to another department or agency shall be compensated at a rate set by the chief executive officer of the department or agency after consultation with the Attorney General. The compensation of all other deputy attorneys general shall be at a rate set by executive order of the Governor. When designating salaries, the Attorney General shall choose from among the salary ranges set by the State Personnel Board and published in the State of Alabama compensation plan. The establishment of the range and step within the range of the starting salary shall be at the discretion of the Attorney General upon the appointment of each deputy attorney general and may vary between persons so appointed. When so designated, the salaries, expenses, and benefits of a deputy attorney general shall be paid from the State Treasury in the same manner that the salary and expenses of employees in the classified service are paid.

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §3; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-5.2**

**Chief Deputy Attorney General.**

(a) The office of Chief Deputy Attorney General is hereby created and shall be established. The Chief Deputy Attorney General shall be appointed by the Attorney General, shall serve at the pleasure of the Attorney General and shall be a commissioned officer of the State of Alabama. The chief deputy shall possess the qualifications required by law for election as Attorney General.

(b) The Chief Deputy Attorney General shall have all the power and authority heretofore or hereafter conferred by law on the Attorney General, which he or she may exercise in the absence of the Attorney General. The chief deputy shall also perform such duties and exercise such powers as the Attorney General may direct.

(c) The Chief Deputy Attorney General shall be entitled to receive compensation, salaries, expenses or benefits in the same manner as provided for deputy attorneys general. The compensation, salary, expenses and benefits of the chief deputy shall be paid from the State Treasury in the same manner that the salary or expenses of employees in the classified service are paid.

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §4.)**

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

**Section 36-15-6**

**Appointment or employment of assistant attorneys general, stenographers, clerical assistants, and investigators.**

- (a) Subject to the Merit System, the Attorney General may appoint as many assistant attorneys general and stenographers as the public interest requires by reason of the volume of work in his or her office.
- (b) Subject to the Merit System, the Attorney General may employ as many clerical assistants as he or she deems necessary to conduct the business of his or her office.
- (c) Subject to the Merit System, the Attorney General may employ as many investigators in his or her office as may be necessary to perform investigatory functions for the office.
- (d) Investigators appointed pursuant to this section shall have all the powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama, including, but not limited to, the powers of arrest and the power to serve any and all process, and shall perform the duties, responsibilities, and functions as may be designated by the Attorney General.
- (e) No person shall serve as an investigator who has not met the minimum standards established for law enforcement officers by the Alabama Peace Officers' Standards and Training Commission or other standards as may be hereafter provided by law. Investigators appointed pursuant to this section shall meet other additional standards as the Attorney General may adopt.
- (f) All investigators appointed pursuant to this section shall be entitled to all benefits provided employees of the Alabama Department of Public Safety, including, but not limited to, participation in any retirement plan afforded state troopers.

**(Code 1896, §2030; Code 1907, §§637, 638; Acts 1923, No. 600, p. 789, §3; Code 1923, §855; Acts 1927, No. 26, p. 30; Acts 1933, Ex. Sess., No. 138, p. 124, §1; Acts 1939, No. 50, p. 57, §2; Code 1940, T. 55, §230; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-9**

**Private practice by assistant attorneys general prohibited; exception.**

All assistant attorneys general of the State of Alabama appointed by the Attorney General, or by the Attorney General with the approval of the Governor, are hereby prohibited from engaging in the private practice of the law during the time they are such assistant attorneys general; provided, however, that this prohibition shall not apply to assistant attorneys general employed by the Attorney General, with the approval of the Governor, to perform legal services for the state in a designated case only. All assistant attorneys general appointed by the Attorney General, or by the Attorney General with the approval of the Governor, except assistant attorneys general employed by the Attorney General with the approval of the Governor to perform legal services for the state

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

in a designated case only, are hereby required to maintain offices at the capitol during the time they are assistant attorneys general and are hereby prohibited from maintaining private law offices outside of the capitol during such time.

(Acts 1939, No. 63, p. 94, §§ 1, 2; Code 1940, T. 55, &sect;231.)

**Section 36-15-10**

**Executive assistants to Attorney General.**

(a) The position of executive assistant to the Attorney General of Alabama is created and established. The Attorney General may appoint up to three executive assistants. An executive assistant shall not be subject to the merit act, but shall serve at the pleasure of the Attorney General and shall perform the duties assigned to him or her by the Attorney General.

(b) An executive assistant shall receive an annual salary to be fixed by the Attorney General but not exceeding the maximum salary now or hereafter fixed for assistant attorneys general III. The salary and expenses of an executive assistant shall be paid from the State Treasury in the same manner that the salary and expenses of the Attorney General are paid.

(Acts 1967, 1st Ex. Sess., No. 93, p. 123, §§1, 2; Acts 1995, No. 95-770, p. 1819, §1.)

**Section 36-15-10.1**

**Special administrative assistants.**

(a) The position of special administrative assistant to the Attorney General is created and established.

(b) The Attorney General may appoint or employ in the manner the Attorney General deems necessary seven special administrative assistants who shall perform the duties and exercise the powers as the Attorney General may direct. The special administrative assistants shall serve at the pleasure of the Attorney General. The compensation, salaries, expenses, or benefits for the special administrative assistants shall be paid from funds available to the Attorney General and in the amounts and manner as provided for deputy attorneys general under this article.

(c) Any person serving in the classified service of the State of Alabama may be considered by the Attorney General for appointment to the position of special administrative assistant to the Attorney General. In the event anyone serving in the classified service of the State of Alabama shall accept appointment as a special administrative assistant to the Attorney General and shall later be removed or resign from the position of special administrative assistant to the Attorney General, the person shall revert to his or her former position in which he or she held status in the classified service. The reversion shall be without loss of salary or other benefits which would have accrued to the person and to which he or she would have been entitled had he or she remained within the classified service.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §5; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-11.1**

**Paralegal employees for Attorney General.**

The Attorney General may employ within his or her office no more than five paralegal employees whose compensation, salaries, and expenses or benefits shall be paid from funds available to the Attorney General in the same amounts and manner as provided for special administrative assistants under this article. The paralegal employees shall be appointed by and serve at the pleasure of the Attorney General.

**(Acts 1991, 1st Ex. Sess., No. 91-736, p. 5, §6; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-12**

**Institution and prosecution of legal proceedings in name of state.**

The Attorney General is authorized to institute and prosecute, in the name of the state, all civil actions and other proceedings necessary to protect the rights and interests of the state.

**(Code 1896, §2029; Code 1907, §636; Code 1923, §854; Code 1940, T. 55, §229.)**

**Section 36-15-13**

**Attorney General may appear before grand juries.**

The Attorney General, either in person or by assistant, may appear before any grand jury in this state and present any matter or charge to them for investigation, and prepare and present to the grand jury indictments for any violation of the laws of this state and issue subpoenas for witnesses to appear in the same manner and to the same extent as district attorneys may now or hereafter do.

**(Acts 1915, No. 655, p. 719, § 1; Code 1923, &sect;858; Code 1940, T. 55, &sect;234.)**

**Section 36-15-14**

**Attorney General may direct prosecution in criminal cases.**

The Attorney General, either in person or by one of his assistants, may at any time he sees proper, either before or after indictment, superintend and direct the prosecution of any criminal case in any of the courts of this state. The district attorney prosecuting in such court shall assist and act in connection with the Attorney General or his assistant in such case.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

(Acts 1915, No. 655, p. 719, § 2; Code 1923, &sect;859; Code 1940, T. 55, &sect;235.)

**Section 36-15-15**

**Attorney General may advise or direct district attorney.**

The Attorney General shall give the district attorneys of the several circuits any opinion, instruction or advice necessary or proper to aid them in the proper discharge of their duties, either by circular or personal letter, and may direct any district attorney to aid and assist in the investigation or prosecution of any case in which the state is interested, in any other circuit than that of the district attorney so directed. Such district attorney shall have and exercise in such other circuit all the powers and authority imposed by law upon the district attorney of such other circuit, but this section shall not abridge any authority which may have been or which may be vested in the Chief Justice of the Supreme Court, nor shall the Attorney General, or any assistant of the Attorney General, or other person at the instance or request of the Attorney General, be authorized to appear or in any way act in the name of the state in civil action or proceeding by or against any county or county officer in which the State of Alabama has no direct financial interest.

(Acts 1915, No. 655, p. 719, § 3; Code 1923, &sect;860; Code 1940, T. 55, &sect;236.)

**Section 36-15-16**

**Payment of necessary expenses of Attorney General, District Attorneys, etc.**

The Attorney General may incur such expenses as may be necessary in the investigation of violations of the criminal law, in the prosecution of crime and in the conduct, investigation and prosecution of any civil action in which the state is interested or the state's revenue is involved and such other incidental expenses of the office as may be necessary. All expenses incurred under the authority of this section must be approved by the Attorney General and the Governor and shall be paid by warrant as other state expenses are paid.

(Acts 1915, No. 655, p. 719, § 6; Code 1923, &sect;865; Acts 1939, No. 50, p. 57, § 3; Code 1940, T. 55, &sect;238.)

**Section 36-15-17**

**Assistants to act in absence of Attorney General.**

During the absence of the Attorney General from the seat of government, or when so directed by him, the assistants to the Attorney General may render official opinions to such officers as the Attorney General is required to advise, and may perform such other duties as may be directed by the Attorney General. During such absence, such authority shall be vested in the senior assistant to be designated by the Attorney General, and in the absence of the latter also, in the next

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

ranking assistant. The performance of such duties by such assistants shall have the same force and effect as if performed by the Attorney General.

(Acts 1915, No. 655, p. 719, § 7; Code 1923, &sect;866; Code 1940, T. 55, &sect;239.)

**Section 36-15-19**

**Written opinion of Attorney General protects officer, governing body, etc.**

The written opinion of the Attorney General, heretofore or hereafter secured by any officer, board, local governing body or agency legally entitled to secure such opinion, shall protect such officer and the members of such board, local governing body or agency to whom it is directed or for whom the same is secured from liability to either the state, county or other municipal subdivisions of the state because of any official act or acts heretofore or hereafter performed as directed or advised in such opinion.

(Acts 1923, No. 64, p. 40, § 2; Code 1923, &sect;869; Code 1940, T. 55, &sect;241; Acts 1963, 2nd Ex. Sess., No. 96, p. 272, § 1.)

**Section 36-15-21**

**Litigation affecting state under direction and control of Attorney General; employment of certain assistant attorneys general.**

All litigation concerning the interest of the state, or any department of the state, shall be under the direction and control of the Attorney General. The employment of an assistant attorney general, other than an assistant attorney general employed in the office of the Attorney General, for the purpose of representing the state or any department thereof shall be by the Attorney General with the approval of the Governor, but nothing in this section shall prevent the Governor from employing personal counsel, whose compensation shall be payable out of the Governor's Contingency Fund.

(Acts 1923, No. 64, p. 40, §4; Code 1923, §872; Code 1940, T. 55, §244; Acts 1995, No. 95-770, p. 1819, §1.)

**Section 36-15-21.1**

**Notifications of actions against state entities; maintenance of information.**

(a) Any laws to the contrary notwithstanding, whenever any litigation is instituted against any state department, division, board, bureau, commission, agency, institution, or officer or employee in their official or individual capacity relating to their official duties, such entity shall promptly notify the office of the Attorney General of the action. This notification shall include a

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

description of the controversy, the relief sought, and other information the Attorney General deems necessary.

(b) This information shall be maintained in a central location within the office of the Attorney General. This material shall be organized in a manner so that all of the following information may be ascertained:

(1) The number of lawsuits pending against the state categorized by department.

(2) The nature of each lawsuit.

(3) The measure of relief sought.

(4) Information necessary to maintain a comprehensive information system concerning such litigation, as determined by the Attorney General.

(c) This section shall not apply to an institution of postsecondary education.

**(Act 2001-307, p. 382, §1.)**

**Section 36-15-22**

**Attorney General to designate certain Merit System positions.**

(a) Notwithstanding any other laws, in addition to the existing Merit System positions in the office of the Attorney General, no later than 30 days after January 15, 1996, the Attorney General shall designate certain positions in his or her office as state Merit System positions and the individuals holding the positions on the date of designation, not to exceed 15 positions, shall become state Merit System employees on such date if he or she meets the minimum requirements for the position. The State Personnel Department shall determine the appropriate classification for each aforementioned employee. The classifications shall reflect a classification and pay that would result in his or her compensation being the same or higher than his or her current compensation. Each of these individuals shall have conferred upon them all the rights and benefits of any other member of the classified service in the state Merit System.

(b) Notwithstanding any other provisions of law, as to any person holding an unclassified state Merit System appointment under Act No. 91-736 in a currently budgeted position as a deputy attorney general or paralegal in any department or agency of the State of Alabama on January 15, 1996, after consulting with the director of the department or agency, the Attorney General shall designate the position in the department or agency as a classified state Merit System position and the individual holding the position shall become a state Merit System employee in the classification most appropriate to the job duties and current salary of the employee as determined by the State Personnel Department if he or she meets the minimum requirements for the position. The classification of each individual shall reflect a classification and pay which would result in his or her compensation being the same as his or her compensation on January 15, 1996 or at

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.  
Chapter 15 ATTORNEY GENERAL.**

entry level of the classification, whichever is greater. The individuals classified under this subsection shall have conferred upon them all the rights and benefits of other employees in the classified service under the state Merit System.

(c) Notwithstanding any other provisions of this section, no position may be designated a classified state Merit System position pursuant to this section at a classification of Attorney IV, for attorney positions, or at higher than the second level classification for the positions for non-attorney positions.

**(Acts 1995, No. 95-770, p. 1819, §2.)**

**Article 2 Investigators.**

**Section 36-15-60**

**Appointment of investigators for the office of the Attorney General - Authority; service.**

The Attorney General may appoint a chief investigator for his or her office and up to four additional investigators as the Attorney General may from time to time deem necessary. The investigators shall serve at the pleasure of the Attorney General.

**(Acts 1991, 1st Ex. Sess., No. 91-737, p. 12, §1; Acts 1995, No. 95-770, p. 1819, §1.)**

**Section 36-15-61**

**Appointment of investigators for the office of the Attorney General - Funds for compensation.**

The compensation, salaries, expenses and benefits for such investigators shall be provided from funds which may be now or hereafter available to the Attorney General.

**(Acts 1991, 1st Ex. Sess., No. 91-737, §2.)**

**Section 36-15-62**

**Appointment of investigators for the office of the Attorney General - Compensation; salary range; benefits.**

The chief investigator and other investigators appointed pursuant to the provisions of this article shall be compensated at a rate to be set by the Attorney General. In setting the rate of compensation the Attorney General may take into consideration that amount paid to other law enforcement officers of the State of Alabama, including but not limited to those officers of corresponding duties, lengths of service and responsibilities in the state Department of Public Safety.

**Title 36 PUBLIC OFFICERS AND EMPLOYEES.**  
**Chapter 15 ATTORNEY GENERAL.**

When designating the salaries, the Attorney General shall choose from among the salary ranges set by the State Personnel Board for employees of the Alabama Department of Public Safety.

The establishment of the range and step within the range of the starting salary shall be at the discretion of the Attorney General upon the appointment of each investigator and may vary between persons so appointed.

All investigators appointed pursuant to the provisions of this article shall be entitled to all benefits provided employees of the Alabama Department of Public Safety, including but not limited to participation in any retirement plan afforded state troopers. Provided, however, such investigators shall be appointed by and serve at the pleasure of the Attorney General.

The salaries, expenses and benefits of the investigators appointed pursuant to the provisions of this article shall be paid from the State Treasury in the same manner that the salaries, expenses and benefits of employees in the classified service are paid.

**(Acts 1991, 1st Ex. Sess., No. 91-737, §3.)**

**Section 36-15-63**

**Appointment of investigators for the office of the Attorney General - Powers.**

Investigators appointed pursuant to the provisions of this article shall have all of the powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama, including but not limited to, the powers of arrest and the power to serve any and all process and shall perform such duties, responsibilities and functions as may be assigned by the Attorney General.

**(Acts 1991, 1st Ex. Sess., No. 91-737, &sect;4.)**

**Section 36-15-64**

**Appointment of investigators for the office of the Attorney General - Investigators to meet minimum standards established for law enforcement officers.**

No person shall serve as an Attorney General's investigator who has not met the minimum standards established for law enforcement officers by the Alabama Peace Officers' Standards and Training Commission or such other standards as may be hereafter provided by law.

Investigators appointed pursuant to the provisions of this article shall meet such other additional standards as the Attorney General may adopt.

**(Acts 1991, 1st Ex. Sess., No. 91-737, §5.)**