

Chapter 180

Attorney General and Department of Justice

ATTORNEY GENERAL

- 180.010 Office of Attorney General
- 180.020 Election; term of office
- 180.030 Filing certificate of election and oath
- 180.040 Governor to fill vacancy by appointment; term of appointee
- 180.050 Location of office
- 180.060 Powers and duties of Attorney General
- 180.070 Power of Attorney General to conduct investigations and prosecutions; duties of district attorneys unaffected
- 180.080 Attorney General to manage criminal proceedings in court or before grand jury at request of Governor
- 180.090 Investigations and special prosecutions; calling on other departments and officers for assistance; employing special investigators
- 180.100 Legislative bills; preparation on request

- 180.110 Keeping copies of opinions and records of cases; biennial report; printing and binding opinions
- 180.120 Defending in criminal proceedings for Department of State Police or member thereof; conducting prosecutions
- 180.130 Deputy Attorney General
- 180.140 Other assistants
- 180.150 Clerks

DEPARTMENT OF JUSTICE

- 180.210 Department of Justice; Attorney General head and chief law officer
- 180.220 Powers and duties
- 180.230 Compensation not allowed state departments for attorney's services; special legal assistants
- 180.240 Attorney General and Department of Justice to have powers and prerogatives of district attorneys

CROSS REFERENCES

Provisions applicable to state agencies generally,
Ch. 182

180.010

Salary of Attorney General, 292.313

180.100

Legislative Counsel to assist with legislation, 173.130

180.130

Salary of Deputy Attorney General, 292.317

ATTORNEY GENERAL

180.010 Office of Attorney General. There is established the office of Attorney General of the State of Oregon.

180.020 Election; term of office. The Attorney General shall be elected by the qualified electors of this state at the regular general election in the same manner as other state officers are elected. The term of the Attorney General shall commence on the first Monday in January of the year succeeding his election. He shall hold his office for the term of four years, and until his successor is elected and qualified.

180.030 Filing certificate of election and oath. Before entering upon the duties of his office the Attorney General shall qualify by filing with the Secretary of State his certificate of election or of his appointment, with his oath of office indorsed thereon.

180.040 Governor to fill vacancy by appointment; term of appointee. At any time when a vacancy may by any cause occur in the office of Attorney General, the Governor shall appoint a suitable person to be Attorney General, who shall hold his office until the next general election, when his successor shall be elected for a full term and shall qualify as prescribed in ORS 180.030.

180.050 Location of office. The Attorney General shall keep and attend his office at the capital of the state. The state shall provide and furnish the office.

180.060 Powers and duties of Attorney General. (1) The Attorney General shall:

(a) Appear for the state in the trial of all civil and criminal causes in the Supreme Court in which the state may be directly or indirectly interested.

(b) Appear for the state, when required by the Governor or the legislature, in any court or tribunal in any cause in which the state is a party or in which the state is directly interested.

(c) Appear, commence, prosecute or defend for the state all causes or proceedings in the Supreme Court in which the state is a party or interested.

(d) Appear, commence, prosecute or defend any action, suit, matter, cause or proceeding in any court when requested by any state officer, board or commission when, in his discretion, the same may be necessary or advisable to protect the interests of the state.

(2) The Attorney General shall:

(a) Give, when required, his opinion in writing upon all questions of law submitted to him by the Governor or any executive department, board or commission upon any question in which the State of Oregon may have an interest.

(b) Give his opinion in writing upon any question of law to either house of the legislature or to any member of the legislature.

(3) The Attorney General shall not render opinions or give legal advice to others than such state officers listed in subsection (2) of this section.

(4) The Attorney General shall consult with, advise and direct the district attorneys in all criminal causes and matters relating to state affairs in their respective counties. He may require their aid and assistance in all matters pertaining to his duties in their respective counties and may, in any case brought to the Supreme Court from their respective counties, demand and receive assistance of the district attorney from whose county such case or matter is brought.

(5) The Attorney General shall, when requested to do so, prepare contracts, bonds, leases and other legal forms and writings for the use of the state or any department or officer of the state.

(6) The Attorney General shall have all the power and authority usually appertaining to such office and shall perform the duties otherwise required of him by law.

180.070 Power of Attorney General to conduct investigations and prosecutions; duties of district attorneys unaffected. (1) The Attorney General may, when directed to do so by the Governor, take full charge of any investigation or prosecution of violation of law in which the circuit court has jurisdiction.

(2) When acting under this section, the Attorney General shall have all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process. The Attorney General may, when he considers the public interest requires, with or without the concurrence of the district attorney, direct the county grand jury to convene for the investigation and consideration of such matters of a criminal nature as he desires to submit to it. He may take full charge of the presentation of such matters to the grand jury, issue subpoenas, prepare indictments, and do all other things

incident thereto to the same extent as the district attorney may do.

(3) All costs, fees and other expense shall be paid by the county in which the investigation takes place, to the same extent as if conducted by the district attorney of that county.

(4) The power conferred by this section, ORS 180.060, 180.220 or 180.240 does not deprive the district attorneys of any of their authority, or relieve them from any of their duties to prosecute criminal violations of law and advise the officers of the counties composing their districts.

180.080 Attorney General to manage criminal proceedings in court or before grand jury at request of Governor. When directed by the Governor, the Attorney General shall attend in person, or by one of his assistants, any term of any court, or appear before the grand jury in any county, for the purpose of managing and conducting in such court, or before such jury, the criminal action or proceeding specified in the requirement. The Attorney General, or his assistant so attending, shall exercise all the powers and perform all the duties in respect of the action or proceeding which the district attorney would otherwise be authorized to exercise or perform. The district attorney shall only exercise such powers and perform such duties in the action or proceeding as are required of him by the Attorney General, or his assistant so attending.

180.090 Investigations and special prosecutions; calling on other departments and officers for assistance; employing special investigators. In making investigations of and conducting special prosecutions for violations or alleged violations of the criminal laws of the state, the Attorney General may call upon the Department of State Police or any other peace officer or department for assistance in making such investigations or, in his discretion, may employ special investigators for such purpose.

180.100 Legislative bills; preparation on request. The Attorney General shall, upon request of any member of or of any person elected to either branch of the Legislative Assembly of the State of Oregon, prepare all bills requested by any such member or person within a reasonable length of time prior to the commencement of any session of the legislature, and furnish the bills to such member or person for introduction on

or before the first day of the session. The Attorney General shall during the sessions of the legislature prepare bills at the request of any member of the legislature as expeditiously as the number of deputies in his office will permit.

180.110 Keeping copies of opinions and records of cases; biennial report; printing and binding opinions. The Attorney General shall keep copies of all his opinions and a record of all cases, in any of the courts and tribunals, prosecuted or defended by him or in which he appears. He shall make a biennial report to the legislature of all the official business transacted by him for the biennial period ending June 30 prior to the meeting of the legislature. He shall have printed and bound all opinions rendered by him during the period, for distribution to the various state officers, public libraries and others entitled to receive them.

180.120 Defending in criminal proceedings for Department of State Police or member thereof; conducting prosecutions. (1) The Attorney General shall personally or by any assistant:

(a) Defend all criminal actions and proceedings in which the Department of State Police or any member thereof is concerned as a party, which require the services of an attorney or counsel in order to protect the interests of the state and are necessary for the purposes of the Department of State Police or the members thereof.

(b) Conduct such prosecutions as shall be directed by the Superintendent of State Police with the approval of the Governor.

(2) The Attorney General may appoint an attorney for the purpose of such defense or prosecution and certify the expenses thereof to the Department of State Police for payment from the moneys appropriated for the Department of State Police.

180.130 Deputy Attorney General. The Attorney General shall appoint a Deputy Attorney General, who shall qualify as required by law, and who may do and perform, in the absence of the Attorney General, all the acts and duties that may be authorized and required to be performed by the Attorney General. The Attorney General shall be responsible for all the acts of his deputy.

180.140 Other assistants. (1) The Attorney General shall appoint the other assistants he deems necessary to transact the

business of the office, each to serve at the pleasure of the Attorney General and perform such duties as he may designate and for whose acts he shall be responsible. Each assistant shall have full authority under the direction of the Attorney General to perform any duty required by law to be performed by the Attorney General.

(2) The Attorney General may appoint the assistants for the respective departments, boards and commissions that he deems necessary to dispatch and perform properly the business of the departments, boards or commissions. When so appointed each assistant shall receive the salary fixed by the Attorney General, payable by the department, board or commission out of the appropriation or funds provided for the department, board or commission.

(3) Each assistant so appointed shall be a person admitted to the practice of law by the Supreme Court of this state and shall qualify by taking the usual oath of office, conditioned upon the faithful performance of his duties.

(4) Each assistant shall receive the salary fixed by the Attorney General, payable as other state salaries are paid. Each assistant so appointed shall devote his full time to the business of the state, unless his employment on a part-time basis is otherwise fixed by the Attorney General.

180.150 Clerks. Subject to any applicable provisions of the State Civil Service Law, the Attorney General shall employ the necessary clerical aid required for the discharge of the duties imposed upon him by law, and fix compensation therefor, to be paid as other salaries are paid.

180.160 to 180.200 [Reserved for expansion]

DEPARTMENT OF JUSTICE

180.210 Department of Justice; Attorney General head and chief law officer. There hereby is constituted an executive department to be known as the Department

of Justice. The Attorney General shall be the head of this department and the chief law officer for the state and all its departments.

180.220 Powers and duties. (1) The Department of Justice shall have:

(a) General control and supervision of all civil actions and legal proceedings in which the State of Oregon may be a party or may be interested.

(b) Full charge and control of all the legal business of all departments, commissions and bureaus of the state, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of the state.

(2) No state officer, board, commission, or the head of a department or institution of the state shall employ or be represented by any other counsel or attorney at law.

180.230 Compensation not allowed state departments for attorney's services; special legal assistants. (1) No compensation shall be allowed to any person for services as an attorney or counselor to any department of the state government or to the head thereof, or to any board or commission, except in cases specially authorized by law.

(2) Special legal assistants may be employed by the Attorney General, under his direction and control, at reasonable compensation, in any pending action or proceeding, to protect the interests of the state, with the consent and approval of the Governor, upon showing made by the Attorney General that his department cannot for reasons stated perform such services. The cost of such special legal assistance shall be paid by the department out of which such suit or proceeding originated.

180.240 Attorney General and Department of Justice to have powers and prerogatives of district attorneys. The Attorney General and the Department of Justice shall have the same powers and prerogatives in each of the several counties of the state as the district attorneys have in their respective counties.

