

1 H.61

2 Introduced by Representatives Pellett of Chester, Donaghy of Poultney, Flory

3 of Pittsford, Marek of Newfane and Martin of Springfield

4 Referred to Committee on

5 Date:

6 Subject: Executive branch; attorney general; deputy and assistant attorneys

7 general; deputy state's attorneys; qualifications

8 Statement of purpose: This bill proposes to require that the attorney general,

9 deputy and assistant attorneys general, and deputy state's attorneys be

10 attorneys admitted to practice before the supreme court of Vermont.

11 An act relating to the qualifications of attorney general, deputy and assistant
12 attorneys general, and deputy state's attorneys

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 3 V.S.A. § 151 is amended to read:

15 § 151. ELECTION AND TERM

16 (a) An attorney general shall be elected at the same time and in the same
17 manner as provided for the election of other state officers. He or she shall be
18 sworn to the faithful discharge of his or her duties. His or her term of office
19 shall commence when his or her election is declared by the committee
20 appointed by the senate and house of representatives to canvass the votes,

1 agreeably with section 2592 of Title 17, or when elected by the general
2 assembly pursuant to said section, and continue for a term of two years.

3 (b) To qualify for election to the office of attorney general, a candidate
4 shall be an attorney at law admitted to practice before the supreme court of
5 Vermont at the time of election.

6 Sec. 2. 3 V.S.A. § 153 is amended to read:

7 § 153. GENERAL POWERS; DEPUTY, ASSISTANTS

8 * * *

9 (b) The attorney general may appoint a deputy attorney general with the
10 approval of the governor, remove him or her at pleasure, and be responsible for
11 his or her acts. Such deputy shall perform such duties as the attorney general
12 shall direct, and in the absence or disability of the attorney general perform the
13 duties of the attorney general. In case a vacancy occurs in the office of
14 attorney general, such deputy shall assume and discharge the duties of such
15 office until such vacancy is filled. Such appointment shall be in writing and be
16 recorded in the office of the secretary of state. Such deputy attorney general
17 shall take the oath required by the constitution, shall be an informing officer
18 and have the same authority throughout the state in civil or criminal matters as
19 state's attorneys have in their respective counties. All deputy attorneys general
20 shall be attorneys at law admitted to practice before the supreme court of
21 Vermont at the time of appointment.

1 (c) The attorney general may appoint such assistant attorneys general and
2 special assistant attorneys general as may be necessary for the proper and
3 efficient performance of his or her department, and with the approval of the
4 governor, fix their pay, remove them at pleasure, and be responsible for their
5 acts. They shall have the same obligations, power, and authority as the deputy
6 attorney general except those relating to the absence or disability of the
7 attorney general and vacancy in the office of attorney general. Their
8 appointments and the revocation thereof shall be in writing and recorded in the
9 office of the secretary of state. All assistant attorneys general and special
10 assistant attorneys general shall be attorneys at law admitted to practice before
11 the supreme court of Vermont at the time of appointment.

12 Sec. 3. 24 V.S.A. § 363 is amended to read:

13 § 363. DEPUTY STATE'S ATTORNEYS

14 A state's attorney may appoint as many deputy state's attorneys as
15 necessary for the proper and efficient performance of his or her office, and
16 with the approval of the governor, fix their pay not to exceed that of the state's
17 attorney making the appointment, and may remove them at pleasure. Deputy
18 state's attorneys shall be compensated only for periods of actual performance
19 of the duties of such office. Deputy state's attorneys shall be reimbursed for
20 their necessary expenses incurred in connection with their official duties when
21 approved by the state's attorneys and the commissioner of finance. Deputy

1 state's attorneys shall exercise all the powers and duties of the state's attorneys
2 except the power to designate someone to act in the event of their own
3 disqualification. Deputy state's attorneys may not enter upon the duties of the
4 office until they have taken the oath or affirmation of allegiance to the state
5 and the oath of office required by the constitution, and until such oath together
6 with their appointment is filed for record with the county clerk. In case of a
7 vacancy in the office of state's attorney, the appointment of the deputy shall
8 expire upon the appointment of a new state's attorney. All deputy state's
9 attorneys shall be attorneys at law admitted to practice before the supreme
10 court of Vermont at the time of appointment.