

HB 1763 -- PROSECUTING AND CIRCUIT ATTORNEYS

SPONSOR: Hicks

This bill allows the Governor to appoint a special prosecutor if the Governor finds that the prosecuting or circuit attorney in a county or municipality has failed to execute his or her assigned duty or is unable to faithfully or competently execute such duties. The special prosecutors will be employed by the Attorney General and will have concurrent jurisdiction to prosecute offenses or cases designated by the Governor. The Governor may also suspend from office any prosecuting or circuit attorney, or an assistant prosecuting attorney, for that attorney's neglect or failure to perform the duties of that office. If the Governor suspends a prosecuting or circuit attorney, the Governor will appoint an interim prosecuting or circuit attorney, who will serve until the next regularly scheduled election.

If a prosecuting or circuit attorney declines to file an indictment or information or fails to file an indictment or information within 30 days after an arrest, or if the Attorney General finds that the prosecuting or circuit attorney is not actively or properly investigating an offense, the Attorney General may assume authority to investigate or prosecute an offense.

The Attorney General will also compile a statewide report that includes information provided by each prosecuting or circuit attorney under this section, and the report will be available to the public and will be sortable by offense and jurisdiction. The report will also be submitted to the Governor, President Pro Tem of the Senate, and to the Speaker of the House of Representatives.