

STATEMENT OF PURPOSE

RS24163

The purpose of this legislation is to amend the law regarding the investigative power of the state attorney general as to elected officials of the counties of Idaho. The current law, though filling an important gap in the law, has proved problematic, in that the current law only allows for partial prosecutorial power, which means that the investigation must be passed on to another official for further investigation and legal determinations. In addition, the current law mandates that the attorney general must involve himself in civil claims, such as employment disputes or matters under the jurisdiction of the human rights commission. This is outside the normal function of a criminal law enforcement agency, and in fact, the law provides no way for the attorney general to actually proceed on behalf of one party or another in civil matters. This bill rectifies these issues, and allows the attorney general full prosecutorial power and discretion in criminal matters involving county elected officials. It relieves the attorney general from becoming involved in county civil matters.

FISCAL NOTE

A review of the complaints brought to the attorney general demonstrates that most do not fall within the statute or have been otherwise meritless. For this reason, it is not believed it will be necessary to hire additional staff to fulfill the duties contemplated by this bill. Therefore, this bill will have no fiscal impact on the general fund or any unit of state or local government.

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