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**HOUSE BILL 1940**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Klippert, Sutherland, and Chase

AN ACT Relating to the general powers and duties of the attorney general; and amending RCW 43.10.030.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 43.10.030 and 2009 c 549 s 5048 are each amended to read as follows:

The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) ((~~Defend~~)) (a) Except as provided in (b) of this subsection, defend all actions and proceedings against any state officer or employee acting in his or her official capacity, in any of the courts of this state or the United States.

(b) The attorney general may not defend an action or proceeding against any state officer or employee acting in his or her official capacity if:

(i) The action challenges the constitutionality of an enacted legislation; and

(ii) Prior to the enactment of the legislation, the attorney general advised the legislature of potential constitutional defects of the challenged legislation;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he or she shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him or her, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his or her successor in office;

(10) Keep books in which he or she shall record all the official opinions given by him or her during his or her term of office, and deliver the same to his or her successor in office;

(11) Pay into the state treasury all moneys received by him or her for the use of the state.

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