

**CHAPTER 173****( SB 251 )**

AN ACT relating to the Department of Law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 15.010 is amended to read as follows:

- (1) The Attorney General is the head of the Department of Law.
- (2) The Department of Law shall include the following major organizational units:
  - (a) ***Department of Criminal Litigation***~~{Division}~~;
    1. Department of Criminal Investigations;
      - a. Public Corruption Division;***
      - b. Special Victims Division;***
      - c. Special Investigations Division; and***
      - d. Protective Intelligence Division;***
    2. Office of Special Prosecutions;
    3. Office of Medicaid Fraud and Abuse Control;
    4. Office of Trafficking and Abuse Prevention and Prosecution;
    5. Office of Prosecutors Advisory Council; and
    6. Office of Victims Advocacy;
  - (b) ***Department of Civil Litigation***~~{Division}~~;
    1. Office of Consumer Protection;
    2. Office of Civil and Environmental Law;
      - a. Open Records and Meetings Division; and
      - b. Administrative Hearings Division;
    3. Office of Rate Intervention; and
    4. Office of Senior Protection;
  - (c) Office of the Solicitor General;
    1. Criminal Appeals Division; and
    2. Civil Appeals Division;
  - (d) ***Office of Legal Counsel;***
  - (e) Office of Communications; and
  - ~~(f){(e)}~~ Office of Administrative Services.

➔Section 2. KRS 15.020 is amended to read as follows:

- (1) The Attorney General is the chief law officer of the Commonwealth of Kentucky and all of its departments, commissions, agencies, and political subdivisions, and the legal adviser of all state officers, departments, commissions, and agencies, and when requested in writing shall furnish to them his ***or her*** written opinion touching any of their official duties, and shall prepare proper drafts of all instruments of writing required for public use, and shall exercise all common law duties and authority pertaining to the office of the Attorney General under the common law, except when modified by statutory enactment.

- (2) *The Attorney General* ~~[He]~~ shall communicate with the Legislative Research Commission as required by KRS 418.075.
- (3) Except as otherwise provided in KRS 48.005 and 2000 Ky. Acts ch. 483, sec. 8, *the Attorney General* ~~[he]~~ shall appear for the Commonwealth in all cases in the Supreme Court or Court of Appeals wherein the Commonwealth is interested, and shall also commence all actions or enter *an* ~~[his]~~ appearance in all cases, hearings, and proceedings in and before all other courts, tribunals, or commissions in or out of the state, and attend to all litigation and legal business in or out of the state required of *the office* ~~[him]~~ by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer, department, commission, or agency may have in connection with, or growing out of, his, *her*, or its official duties, except where it is made the duty of the Commonwealth's attorney or county attorney to represent the Commonwealth. When any attorney is employed for any said agency, the same shall have the approval of such agency before such employment.
- (4) *Notwithstanding any other statute or provision to the contrary, the Attorney General may bring any action challenging the constitutionality of a Kentucky statute, executive order, administrative regulation, or order of any cabinet, program cabinet, or department under KRS Chapter 12. The action may be brought in any county where the alleged constitutional harm has occurred or could be reasonably presumed to occur.*
- (5) If any funds of any kind or nature whatsoever are recovered by or on behalf of the Commonwealth, in any action, including an ex rel. action where the Attorney General has entered an appearance or is a party according to statutory or common law authority, those funds shall be handled under KRS 48.005.

➔Section 3. KRS 15.060 is amended to read as follows:

~~[Upon written request of the Department of Revenue,]~~The Attorney General *may* ~~[shall]~~:

- (1) With the assistance of the Auditor of Public Accounts, ~~[and]~~ the Department of Revenue, *or any other appropriate agency*, investigate the condition of any unsatisfied claim, demand, account, and judgment in favor of the Commonwealth.
- (2) When he believes that any fraudulent, erroneous or illegal fee bill, account, credit, charge or claim has been erroneously or improperly approved, allowed or paid out of the Treasury to any person, institute the necessary actions to recover the same. To this end he may employ assistants and experts to assist in examining the fee bills, accounts, settlements, credits and claims, and the books, records and papers of any of the officers of the Commonwealth.
- (3) Institute the necessary actions to collect and cause the payment into the Treasury of all unsatisfied claims, demands, accounts and judgments in favor of the Commonwealth, except where specific statutory authority is given the Department of Revenue to do so.
- (4) Comply with KRS 48.005, if any funds of any kind or nature whatsoever are recovered by or on behalf of the Commonwealth, in any legal action, including an ex rel. action in which the Attorney General has entered an appearance or is a party under statutory or common law authority.

➔Section 4. KRS 15.113 is amended to read as follows:

- (1) *The Attorney General may* ~~[Financial Integrity Enforcement Division is created in the Department of Law. The division shall:~~
  - ~~(a) Investigate illegal redemption of food stamp benefits in cooperation with the United States Department of Agriculture and the Cabinet for Health and Family Services;~~
  - ~~(b) Verify eligibility of food stamp program applicants as to past criminal history;~~
  - ~~(c) Investigate the illegal distribution of counterfeit merchandise; and~~
  - ~~(d) ]investigate the use of personal identification and financial information by persons for the purpose of theft, [or] fraud, or both [theft and fraud], or any [and] other illegal or fraudulent activity that [which] may involve electronic commerce, the use of public funds or property, or obtaining or attempting to obtain a benefit provided by the government.~~
- (2) The ~~[Office of the]~~ Attorney General shall coordinate with the Department of Financial Institutions, the United States Secret Service, the Federal Trade Commission, the Kentucky Bankers' Association, and any other agency or organization to prepare and disseminate information to prevent identity theft.

➔Section 5. KRS 15.200 is amended to read as follows:

- (1) Whenever requested in writing by:
- (a) The Governor;~~;~~
  - (b) *The President of the Senate or Speaker of the House of Representatives of the General Assembly*; ~~or by~~
  - (c) Any of the courts or grand juries of the Commonwealth;~~;~~ or
  - (d) ~~Upon receiving a communication from~~ A sheriff, mayor, or majority of a city legislative body;  
stating that his *or her* participation in a given case is desirable to effect the administration of justice and the proper enforcement of the laws of the Commonwealth, the Attorney General may intervene, participate in, or direct any investigation or criminal action, or portions thereof, within the Commonwealth of Kentucky necessary to enforce the laws of the Commonwealth.
- (2) *The Attorney General*~~He~~ may subpoena witnesses, secure testimony under oath for use in civil or criminal trials, investigations or hearings affecting the Commonwealth, its departments or political subdivisions.

**Veto overridden March 29, 2021.**