IC 4-6-2

Chapter 2. Powers and Duties

IC 4-6-2-1

Prosecuting and defending suits by or against state and state officers

Sec. 1. (a) The attorney general shall prosecute and defend all suits instituted by or against the state of Indiana, the prosecution and defense of which is not otherwise provided for by law, whenever the attorney general has been given ten (10) days' notice of the pendency of the suit by the clerk of the court in which the suit is pending, or whenever the governor or a majority of the officers of state require the attorney general in writing, with reasonable notice, to prosecute or defend a suit. The attorney general shall represent the state in all criminal cases in the Supreme Court, and shall defend all suits brought against the state officers in their official relations, except suits brought against them by the state; and the attorney general shall be required to attend to the interests of the state in all suits, actions, or claims in which the state is or may become interested in the Supreme Court of this state.

(b) The attorney general may not defend a member (as defined in IC 2-2.1-4-5) in an action for legislative bolting brought under IC 2-2.1-4.

(Formerly: Acts 1889, c.71, s.4; Acts 1921, c.85, s.2.) As amended by P.L.229-2011, SEC.43; P.L.215-2016, SEC.34.

IC 4-6-2-1.1

Concurrent jurisdiction with prosecuting attorney of certain actions

Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

(1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).

(2) Actions in which a person is accused of assisting a criminal (IC 35-44.1-2-5), if the person alleged to have been assisted is a person described in subdivision (1).

(3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

(4) Actions in which a violation of IC 2-8.2-4-6 (concerning constitutional convention delegates) has occurred.

As added by Acts 1977, P.L.26, SEC.1. Amended by P.L.126-2012, SEC.6; P.L.182-2013, SEC.2; P.L.205-2013, SEC.54.

IC 4-6-2-1.3

Regulation of athlete agents

Sec. 1.3. The attorney general shall perform all functions, duties,

and responsibilities necessary to regulate athlete agents under IC 25-5.2.
As added by P.L.54-2001, SEC.1.

IC 4-6-2-1.5
Suits against state government officials or employees, teachers, or school corporations; defense by attorney general; letter summarizing teachers' rights

Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) A determination by the attorney general under subsection (a), (b), or (e) shall not be admitted as evidence in the trial of any such civil action for damages.

(g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.
(Formerly: Acts 1971, P.L.21, SEC.1.) As amended by P.L.16-1990,

SEC.1; P.L.1-2005, SEC.56; P.L.78-2005, SEC.1; P.L.121-2009, SEC.1; P.L.239-2015, SEC.1; P.L.149-2016, SEC.9.

IC 4-6-2-2

Authority to prosecute or defend suits

Sec. 2. The attorney general shall not, in any case, be required to exhibit to any court the attorney general's authority for appearing in and conducting the prosecution or defense of any suit, unless the attorney general's authority be denied under oath, in which case the attorney general's commission shall be all the evidence required.

(Formerly: Acts 1889, c.71, s.5.) As amended by P.L.215-2016, SEC.35.

IC 4-6-2-3

Residence; office; presence in office during business hours

Sec. 3. The attorney general shall reside at Indianapolis, and the attorney general shall keep the attorney general's office in the statehouse; and the attorney general shall, on all business days, during business hours, be at the office, in person or by deputy, unless engaged in court or elsewhere in the service of the state.

(Formerly: Acts 1889, c.71, s.6.) As amended by P.L.215-2016, SEC.36.

IC 4-6-2-4

Opinions; records; accounts; pending cases

Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by the attorney general to the governor, the general assembly, or to any of the state officers, and an accurate account of all money collected or received by the attorney general, in substantially bound books, and to pay over to the proper officer all money collected at the end of each month; and the attorney general shall also keep a record of all criminal cases pending in the Supreme Court, and of all civil cases in which it is the attorney general's duty to appear.

(Formerly: Acts 1889, c.71, s.7.) As amended by P.L.215-2016, SEC.37.

IC 4-6-2-5

Opinions

Sec. 5. The attorney general shall give the attorney general's legal opinion to the governor upon request, touching upon any question or point of law in which the interests of the state may be involved. The attorney general shall give the attorney general's opinion to any other state officer touching upon any question or point of law concerning the duties of the officer; and also, to either house of the general assembly or to any legislative agency created under action of the general assembly, on the constitutionality of any existing or proposed law, upon request by resolution of the house or legislative agency,

and the attorney general shall not be required to advise any other officer or person.
(Formerly: Acts 1889, c.71, s.8; Acts 1959, c.230, s.1.) As amended by P.L.215-2016, SEC.38.

IC 4-6-2-6
Collection of costs, licenses, money, fines, penalties, or forfeitures; escheats; reports of money due state

Sec. 6. (a) The attorney general shall ascertain the amounts paid to any person for court costs under IC 33-37, licenses, money unclaimed in estates or guardianships, fines, penalties, or forfeitures, or monies that escheat to the state under IC 29-1-2-1 or from any other source where the money is required to be paid to the state or to any officer in trust for the state. In all cases where an officer required to collect the money fails to do so after the cause of action in favor of the state has accrued, or fails to sue for and recover any property belonging to or which may escheat to the state, the attorney general shall institute all necessary proceedings to compel the payment of the money or recovery of the property. The payment to or collection by the attorney general of any of the funds does not render an officer liable to an action on the officer's bond by any other officer or person.

(b) The officers having the custody of the money shall report to the attorney general, upon oath or affirmation, all facts pertaining to it, upon the attorney general's demand, in person, by deputy or assistants, or in writing.

(c) An officer who fails to render the information upon demand commits a Class C infraction.
(Formerly: Acts 1889, c.71, s.9.) As amended by Acts 1977, P.L.2, SEC.3; Acts 1978, P.L.2, SEC.403; P.L.192-1986, SEC.2; P.L.305-1987, SEC.2; P.L.98-2004, SEC.46.

IC 4-6-2-7
Repealed

(Repealed by P.L.4-1988, SEC.4.)

IC 4-6-2-8
Reports

Sec. 8. It shall be the duty of the attorney general to make a biennial report to the governor of the business and condition of the attorney general's office, and to make a report to the auditor of state at the end of each fiscal year of all collections made by the attorney general and the manner of disbursement.
(Formerly: Acts 1889, c.71, s.12.) As amended by P.L.215-2016, SEC.39.

IC 4-6-2-9
Reports of officers; money collected by attorney general

Sec. 9. (a) It shall be the duty of any officer or person from whom the attorney general, or any of the attorney general's deputies or assistants, shall collect or receive money due the state, to report at once to the auditor of state, on blanks to be furnished by the attorney general, the sum or sums received or collected.

(b) The auditor of state shall keep a record of the reports described in subsection (a).

(Formerly: Acts 1889, c.71, s.13.) As amended by P.L.215-2016, SEC.40.

IC 4-6-2-10

Law books

Sec. 10. Such law books as the Supreme Court in their judgment shall deem necessary for use in the attorney-general's office shall be purchased and paid for out of any money in the treasury not otherwise appropriated.

(Formerly: Acts 1889, c.71, s.14.)

IC 4-6-2-11

Compromise of claims

Sec. 11. No claim in favor of the state shall be compromised without the approval of the governor and attorney-general, and such officers are hereby empowered to make such compromise when, in their judgment, it is the interest of the state so to do.

(Formerly: Acts 1889, c.71, s.15.)

IC 4-6-2-12

Authority of the attorney general to investigate human trafficking

Sec. 12. (a) The attorney general has the same authority as a law enforcement agency (as defined in IC 35-47-15-2) to:

(1) access (as defined in IC 35-43-2-3); and

(2) maintain;

information regarding a violation of IC 35-42-3.5-1 (human trafficking).

(b) The attorney general may assist with the investigation and prosecution of an alleged violation of IC 35-42-3.5-1 (human trafficking). However, the attorney general does not have the power to arrest or criminally prosecute individuals for a violation of IC 35-42-3.5-1.

As added by P.L.162-2014, SEC.1.