



House of Representatives

General Assembly

File No. 651

January Session, 2011

House Bill No. 6342

House of Representatives, April 28, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE QUALIFICATIONS FOR CANDIDATES SEEKING ELECTION TO THE OFFICE OF THE ATTORNEY GENERAL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 3-124 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 There shall be an Attorney General to be elected in the same manner
4 as other state officers in accordance with the provisions of section 9-
5 181. The Attorney General shall be an elector of this state and an
6 attorney at law [of at least ten years' active practice at] admitted to the
7 bar of this state for a continuous period of at least ten years
8 immediately prior to taking office. The office of the Attorney General
9 shall be at the Capitol. The Attorney General shall receive an annual
10 salary of one hundred ten thousand dollars. The Attorney General
11 shall devote full time to the duties of the office and shall give bond in
12 the sum of ten thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	3-124

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact in specifying that candidates for the position of Attorney General be an attorney at law admitted to the bar of this state for a continuous period of at least ten years immediately prior to taking office rather than having been in active practice for ten years.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6342****AN ACT CONCERNING THE QUALIFICATIONS FOR CANDIDATES SEEKING ELECTION TO THE OFFICE OF THE ATTORNEY GENERAL.****SUMMARY:**

This bill allows more attorneys to qualify to hold the position of attorney general by limiting the eligibility requirements.

Under current law, in order to be eligible to be attorney general a person must be an attorney with at least 10 years of “active practice at the bar of this state”. Under case law, this requires the person to have some litigation experience and regularly engage in the practice of law as a primary means of earning a livelihood for at least 10 years.

The bill replaces these requirements and instead makes someone eligible to be attorney general if he or she has been admitted to the bar as a Connecticut attorney for a continuous period of at least 10 years immediately before taking office. As under current law, the attorney general must also be an elector.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Case***

In *Bysiewicz v. DiNardo*, the court ruled that the statutory requirement that the attorney general be “an attorney at law of at least ten years’ active practice at the bar of this state” means that the attorney general must have some litigation experience and have regularly engaged in the practice of law as a primary means of earning his or her livelihood for at least 10 years. The court found that representing clients is an essential element of the active practice at the

bar of this state. The court also ruled the statutory qualifications constitutional because they are impliedly exempt from the constitutional qualifications for state office (*Bysiewicz v. DiNardo*, 298 Conn. 748 (2010)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 29 Nay 15 (04/14/2011)