

2023 Kansas Statutes

75-702. Duties and responsibilities; authority to prosecute and defend. (a) The attorney general shall appear for the state, and prosecute and defend any and all actions and proceedings, civil or criminal, in the Kansas supreme court, the Kansas court of appeals and in all federal courts, in which the state shall be interested or a party, and shall, when so appearing, control the state's prosecution or defense.

(b) The attorney general shall also, when required by the governor or either branch of the legislature, appear for the state and prosecute or defend, in any other court or before any officer, in any cause or matter, civil or criminal, in which this state may be a party or interested or when the constitutionality of any law of this state is at issue and when so directed shall seek final resolution of such issue in the supreme court of the state of Kansas.

(c) (1) The attorney general shall have authority to prosecute any matter related to a violation of K.S.A. 12-189 or 75-5133, and amendments thereto, related to unlawful acts when the offender is an officer or employee of a city or county.

(2) Notwithstanding any provision of law to the contrary, the attorney general shall have concurrent authority with any county or district attorney to prosecute theft as defined in K.S.A. 21-5801, and amendments thereto, a violation of the Kansas racketeer influenced and corrupt organizations act, K.S.A. 21-6327 et seq., and amendments thereto, or an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of such crimes that is part of an alleged course of criminal conduct that occurred in two or more counties.

History: L. 1879, ch. 166, § 71; R.S. 1923, 75-702; L. 1975, ch. 431, § 1; L. 2005, ch. 110, § 9; L. 2013, ch. 89, § 2; L. 2023, ch. 94, § 7; July 1.