



Overview of the Office of the Attorney General

The Attorney General is a statewide elected official who acts as the chief legal representative of the state and the chief executive officer of the Department of Law. The Attorney General and the Department of Law together are known as the Colorado Attorney General's Office. This issue brief provides an overview of the office's functions.

Attorney General

Constitutional Provisions

The state constitution establishes the Attorney General as an elected member of the executive branch, with a four-year term and a two consecutive term limit.¹ In addition to other eligibility requirements for all state officers, the Attorney General must be a state licensed attorney.² Vacancies are filled by the Governor with the consent of the Senate.³ The state constitution prescribes certain duties for the Attorney General, including appointing members to Judicial Nominating Commissions.⁴

Statutory Provisions

Most powers and duties of the Attorney General are statutory and dispersed across many sections of statute. Sometimes, power is broadly granted to the Attorney General to enforce a large body of law. In other instances, it is narrowly focused on enforcement of a

particular section. Two primary duties are representing the state in certain court proceedings and providing legal counsel for state agencies.⁵ Another distinction is between mandatory and discretionary duties. Finally, while many obligations are between the office and other units of government, several are public facing.

In practice, the individual Attorney General serves as the head of the Department of Law, a state agency staffed to fulfill many of the responsibilities prescribed by law to the Attorney General.

Department of Law

The Department of Law is one of the 20 principal departments of the executive branch. The department is divided into 11 named components specified by statute that execute the collective duties of the Attorney General.⁶ These are the:

- Office of the Attorney General;
- Office of the Solicitor General;
- Division of Consumer Protection;
- Division of Criminal Justice;
- Division of Civil Protections and Rights;
- Administrator of the Uniform Consumer Credit Code;
- Medicaid Fraud Control Unit;

¹ Colo. Const. art. IV, § 1.

² Colo. Const. art. IV, § 4.

³ Colo. Const. art. IV § 6.

⁴ Colo. Const. art. VI, § 24.

⁵ Section 24-31-101, C.R.S.

⁶ Section 24-31-102, C.R.S.

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- Peace Officers Standards and Training (POST) Board;
- Financial Empowerment Office;
- Fair Housing Unit; and
- Worker and Employee Protection Unit.

The department also has various sections and units subsequently established at the discretion of the Attorney General or by legislation, often determined by legal services provided to various executive state agencies.

Staff

The Department of Law employs licensed attorneys with specialized roles. A Chief Deputy Attorney General acts for the Attorney General in all matters except those described by the state constitution.⁷ A Solicitor General is responsible for legal representation of the state in courts.⁸ Deputy attorneys general serve as senior staff, typically leading sections of the office. The Criminal Justice Section, for instance, must be led by a deputy attorney general with a minimum of two years experience as a trial or appellate prosecutor.⁹ Assistant attorneys general perform more routine duties.

Legal Services for the State

The office is required to provide legal services, including counsel, representation, advice, and opinions on legal matters, to agencies in the executive and judicial branches, as well as the Office of the State Auditor in the legislative branch. At least one deputy attorney general or assistant attorney general must be provided for each agency. Agencies are prohibited from using outside legal services, except when the

Attorney General's office is unable to provide them. In these cases, services must be provided in accordance with state policies and under the office's supervision.¹⁰

Since 1973, legal services for state agencies have been provided centrally through the Department of Law and its staff. Services are provided much like a law firm, where attorneys are assigned to agencies and bill the agencies at an hourly rate for work performed. The hourly rate for each fiscal year is established by the Long Bill.

Services for the Public

The Department of Law does not provide legal services directly to the public; however, the department may act on public complaints where authorized by law, primarily related to fraud and consumer transactions. The office maintains a [complaint filing system](#).

The department also administers public outreach programs. These are focused on educating members of the public about work being performed by the office in the public interest, such as administering the Safe2Tell program.

Finally, the department oversees legal settlements in cases where the state is a party. When damage awards occur, the Attorney General is the official custodian of the funds and is responsible for ensuring they are distributed according to the terms of the settlement.¹¹

More information about the [Colorado Attorney General's Office](#) is available online.

⁷ Section 24-31-103, C.R.S.

⁸ Section 24-31-103.5, C.R.S.

⁹ Section 24-31-102 (2), C.R.S.

¹⁰ Section 24-31-111, C.R.S.

¹¹ Section 24-31-108, C.R.S.