

OVERVIEW OF STATE PROSECUTION SYSTEMS

Preliminary Draft as of November 17, 2005

Prepared by Sheri Heffelfinger, Montana Legislative Services Division, (406) 444-3064

Pop. Rank	State	District or County for State Prosecutions?	Elected or Appointed?	How are Criminal vs. Civil Duties Vested?	Special Funding Arrangements	Attorney General's Role, Special Units	Other Comments
2	Texas	Mix (state prosecutor, criminal district attorney, district attorney, and county attorneys)	State attorney is appointed by court, DA, CDA, and CA are elected.	State prosecuting attorney for state courts of appeal. Each county has a DA to handle criminal prosecutions in District Court and higher. Each county has a CA to handle criminal prosecutions in lower courts and to act a civil counsel to county.	Primarily state funded. Some counties have option of supplementing with county money.	AG has child support, consumer protection, civil, and criminal divisions.	
34	Utah	District attorney is optional.	May be elected or appointed (but all are elected)	Counties within the same judicial district may create a prosecution district by county ordinance, which would separate criminal and civil. None have. DA or CA prosecutes violations of state law within the district or county.	100% county funding. Very small fund in state Prosecution Counsel's budget, counties may apply for \$ if they have "unusual" expenses. Budget is only \$20,000.	AG has division that handles felony appeals.	Task force 15 yrs ago, regional meetings throughout the state to examine District Attorney structure. Result was that most counties wanted to retain their own prosecutor.
1	California	District (in name only, there is a DA in each county)	Elected	DA handles all.	Paid by the county.	Division of public rights. Division of criminal law handles special crimes, provides grants re: spousal abuse, represents state in all cases involving correction system	
32	Kansas	District (counties have option of creating a DA) 6 most populous counties have DA, but single county district)	Elected	DA handles civil and criminal in 6 counties, CA handles civil and criminal in the remaining counties. Practically, there is no difference in DA and CA function, except pay structure.	State sets minimum pay for the DA, but county pays and may pay more than the state minimum.	AG assists local prosecutors upon request, handles all child abuse and neglect cases. Has authority to take over felony appeals, but in practice usually doesn't. Other divisions include consumer protection, fraud,	
25	Kentucky	District (Commonwealth) and County				AG handles all appeals of felony convictions; other divisions include consumer protection, senior protection, child support enforcement, public corruption	

LAW AND JUSTICE INTERIM COMMITTEE  
 NOVEMBER 17, 2005 MEETING  
**EXHIBIT 10**

Pop. Rank	State	District or County for State Prosecutions?	Elected or Appointed?	How are Criminal vs. Civil Duties Vested?	Special Funding Arrangements	Attorney General's Role, Special Units	Other Comments
4	Florida	District					
10	Georgia	District					
11	North Carolina	District					
12	Virginia	District					
13	Massachusetts	District					
16	Tennessee	District					
19	Maryland	District					
22	Louisiana	District					
23	Alabama	District					
24	Colorado	District	Elected	District Attorneys handle all criminal prosecution in all courts. County Attorneys handle all civil matters and prosecute abuse and neglect cases, unless the case involves a criminal charge.	State sets and pays the base of District Attorney's salary. County can pay the DA up to 20% more.	Statewide grand jury process for cross-jurisdictional crimes. AG has death penalty, white collar crime, fraud, special prosecution, consumer protection units, and other special units.	Department of Human Services cases are solely handled by the County Attorney.
26	South Carolina	District					
27	Oklahoma	District					
29	Connecticut	District					
31	Mississippi	District					
33	Arkansas	District					
36	New Mexico	District	Elected	DA handles all. Counties may contract with DA for civil advise if they don't hire their own county attorney for county civil matters.	State pays salary.	AG handles all felony appeals. Other divisions include consumer protection, fraud, violence against women.	
40	Maine	District					

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30	Iowa	County					
35	Nevada	County	Elected				
37	West Virginia	County					
38	Nebraska	County					
39	Idaho	County	Elected	CA handles criminal and civil.	No state funding, except when AG's office assists county prosecutor. AG's criminal law division does not bill the counties, pays witness fees, per diem, travel and lodging expenses.	AG's Office has a criminal law division that assists counties in conflicts of interest and handles all criminal appeals. A human services division supports the state Department of Health and Welfare.	Local county prosecutor firmly established in state and case law as chief prosecutor with primary jurisdiction. After Idaho Supreme Court case, repealed language providing for AG supervision.
41	New Hampshire	County					
42	Hawaii	County					
44	Montana	County	Elected	CA handles criminal and civil.	State pays 50% of county attorneys salaries, subject to legislative appropriation.	AG has Criminal Prosecution Services Division, similar to ID, and a child protection unit.	Statutory language provides that AG has supervisory authority in all aspects of county attorneys work. (Looking into ID Supreme Court decision that led to similar language being repealed in ID.)
46	South Dakota	County					
47	North Dakota	County					
51	Wyoming	County					
		27 District / 23 County	Nearly all are elected	Mix of ways to split criminal and civil functions. Some District Attorneys are same as County Attorneys.	Mix of state and county funding structures.	Most AG offices support local prosecutors upon request. Many handle all felony appeals. Some have special divisions for child protection, child support, elder abuse, etc.	

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43	Rhode Island	District	Appointed by the AG				
45	Delaware	District	Appointed by the AG				
48	Alaska	District	Appointed			Special unit handles environmental crime, child support enforcement, welfare fraud, Medicaid provider fraud, selected fish and game prosecutions, white collar crime, and other special prosecutions.	No county prosecutors
49	Vermont	District					
28	Oregon	District	Elected	Called a DA, elected in each county, considered an officer of the court (state public officer). Deputies are county appointed.	State pays 100% of salary under a state pay plan for unclassified employees. Counties may provide additional compensation (stipend) from county funds. Counties pay all other costs of DA offices and deputies.	AG's has District Attorney Assistance Program, Child Support Enforcement unit, and other special units, such as for organized crime. No supervisory role.	DA may be the civil counsel for the county, upon request of the county.
3	New York	County					
5	Illinois	County					
6	Pennsylvania	County					
7	Ohio	County					
8	Michigan	County					
9	New Jersey	County	Appointed				
14	Indiana	County					
15	Washington	County					
17	Missouri	County					
18	Wisconsin	County					
20	Arizona	County	Elected	CA handles criminal and civil.		Child & Family Protection Div. includes Child Support Enforcement and Protective Services Section	
21	Minnesota	County					