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March 11, 1975

The Honorable Diane B. McCarthy
Arizona State Representative
House Wing, State Capitol
Phoenix, Arizona 85007

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Re: House Bill 2024

Dear Representative McCarthy:

We are in receipt of your letter, dated February 21, 1975, pertaining to House Bill 2024 (prohibition of marriage between persons of the same sex). You have asked whether there is any need for this kind of legislation to be enacted.

Certainly any determination as to the public necessity for a particular piece of legislation is a legislative prerogative. Inasmuch as the above bill does not touch upon those areas of concern that fall within our statutory responsibilities, e.g., the criminal justice system, the antitrust laws, etc., it would be somewhat presumptuous for us to give our views on the need to enact House Bill 2024.

Further, we are informed that litigation is pending on the very issues implicit in your inquiry, and it is the established policy of this office that we will refrain from issuing opinions on matters currently in litigation.

Please feel free to address further inquiries as the need arises.

Sincerely,

BRUCE E. BABBITT
Attorney General

MICHAEL M. SOPHY
Special Assistant Attorney General

MMS:lf