

Jed Wright

DEPARTMENT OF LAW
OFFICE OF THE

Attorney General

STATE CAPITOL
Phoenix, Arizona 85007

BRUCE E. BABBITT
ATTORNEY GENERAL



February 10, 1978

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ARIZONA ATTORNEY GENERAL

The Honorable Sue Dye
Arizona State Senator
Senate Wing, Capitol Complex
Phoenix, Arizona 85007

Re: 78- 23 (R77-403)

Dear Senator Dye:

You requested an opinion of this office as to whether Laws 1976, chapter 176, sections 3,4 and 5, were constitutional. Also you asked how these sections might be enforced by our staff or the staff of the various county attorneys.

As you know, this office is generally charged with the obligation of defending the constitutionality of statutes passed by the Legislature. Accordingly we do not, except in the most unusual circumstances, give our opinion that a statute is unconstitutional. However, I have nonetheless reviewed the statute here in question and believe it to be a valid and constitutional exercise of legislative power.

The statute in question has both civil penalties and criminal penalties. The civil penalties are enforceable by the Department of Revenue. The criminal penalties would be imposed as a result of court proceedings prosecuted by the Attorney General's office and the various county attorneys' offices in the same way as other similar criminal proceedings.

Sincerely,

BRUCE E. BABBITT
Attorney General

BEB/cp