

Annotated Code of Maryland
(1975 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 12A of Article 32A - Department of Law, of the Annotated Code of Maryland (1971 Replacement Volume and 1975 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 32A - Department of Law

12A.

The Attorney General, when requested in writing by any officer or employee of the State, may appear and defend any action, civil or criminal, or special proceeding, in the courts of this State or of the United States instituted against the officer or employee by reason of any act done or omitted to be done without malice and in the absence of gross negligence and in the scope of his employment. The defense may be rendered by the Attorney General, an assistant, or by any special counsel when directed to do so by the Attorney General; in a criminal case, special counsel must be appointed by the Attorney General if he determines that any representation is in fact appropriate. The defense of a civil case shall include the right to assert counterclaims and to engage in third party practice on behalf of the officer or employee. Nothing herein may be construed to deprive any officer or employee of the right to select counsel of his own choice at his own expense, nor may it prevent the Attorney General from entering his appearance in a case to protect the interests of the State of Maryland even though no request for such appearance has been forthcoming from the officer or employee named as a defendant. FOR THE PURPOSES OF THIS SECTION, AN OFFICER, WARRANT OFFICER, OR ENLISTED MEMBER OF THE ORGANIZED MILITIA, IN THE EXERCISE OF HIS DUTY AS SUCH, SHALL BE CONSIDERED TO BE AN EMPLOYEE OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That new Section 16C(d) be and it is hereby added to Article 78A - Public Works, of the Annotated Code of Maryland (1975 Replacement Volume and 1975 Supplement) to read as follows:

Article 78A - Public Works

16C.

(D) FOR THE PURPOSES OF THIS SECTION, AN OFFICER, WARRANT OFFICER, OR ENLISTED MEMBER OF THE ORGANIZED MILITIA, IN THE EXERCISE OF HIS DUTY AS SUCH, SHALL BE CONSIDERED TO BE AN EMPLOYEE OF THE STATE.