

COLLEGE BOARD OF TRUSTEES, IF THE BOARD DOES NOT PROVIDE LIABILITY INSURANCE FOR SUCH EMPLOYEES OR MEMBERS, AND IF THE BOARD IS A PARTICIPANT IN THE STATE INSURANCE TRUST FUND UNDER ARTICLE 95;

(V) AN EMPLOYEE OF A LOCAL HEALTH DEPARTMENT; AND

(VI) A KEY EMPLOYEE OF THE MARYLAND PORT ADMINISTRATION AS DEFINED IN SECTION 6-204(N) OF THE TRANSPORTATION ARTICLE; AND

~~(VI)~~ (VII) A PERSON PERFORMING THE SERVICES OF A STATE EMPLOYEE ON A VOLUNTARY BASIS.

(3) THE BOARD OF PUBLIC WORKS SHALL DETERMINE, IN CASES OF DOUBT, WHETHER ANY PERSON MAKING WRITTEN APPLICATION UNDER SUBSECTION (B) IS A STATE OFFICER OR STATE EMPLOYEE FOR THE PURPOSES OF THIS SECTION, REGARDLESS OF THE METHOD, SOURCE, OR AMOUNT OF COMPENSATION OF THE PERSON.

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.]

(A) SUBJECT TO THE PROVISIONS OF §12B, THE ATTORNEY GENERAL, WHEN REQUESTED IN WRITING BY ANY OFFICER OR EMPLOYEE OF THE STATE, MAY DEFEND ANY CRIMINAL ACTION INSTITUTED IN THE COURTS OF THIS STATE OR OF THE UNITED STATES 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.