

~~INCREASINGLY--DIFFICULT--TO--RECRUIT--AND--RETAIN--QUALIFIED PERSONNEL--TO--SERVE--IN--PUBLIC--POSITIONS--THAT--INVOLVE--EITHER THE--EXERCISE--OF--DISCRETION--OR--DEALING--WITH--THE--PUBLIC--AT LARGE,--AND--IT--HAS--ALSO--BECOME--INCREASINGLY--DIFFICULT--AND EXPENSIVE--TO--PROTECT--SUCH--OFFICERS--AND--EMPLOYEES--THROUGH PUBLIC--LIABILITY--INSURANCE.~~

~~(4)--AS--A--MATTER--OF--STATE--POLICY,--IT--IS--ESSENTIAL TO--PROTECT--COUNTY--OFFICERS--AND--EMPLOYEES,--WHEN--ACTING--WITHIN THE--SCOPE--OF--THEIR--PUBLIC--DUTIES--AND--RESPONSIBILITIES,--FROM LIABILITY--EXCEPT--FOR--INSTANCES--OF--MALICIOUS--CONDUCT--OR--GROSS NEGLIGENCE.~~

~~(5)--THE--IMMUNITIES--OR--DEFENSES--AVAILABLE--TO--AN INDIVIDUAL--COUNTY--OFFICER--OR--EMPLOYEE--FOR--HIS--ACTIONS--SHALL REMAIN--UNAFFECTED--BY--THE--PROVISIONS--OF--THIS--SECTION.~~

(B) (A) (1) THE COUNTY COMMISSIONERS MAY GRANT FROM THE GENERAL FUND, OR FROM FUNDS PROVIDED THEREFOR IN THE BUDGET, OR FROM FUNDS APPROPRIATED THEREFOR TO A SPECIAL FUND, A SUM TO SATISFY ALL OR PART OF ANY SETTLEMENT OR ANY JUDGMENT RENDERED BY A COURT OF COMPETENT JURISDICTION AGAINST A COUNTY OFFICER OR COUNTY EMPLOYEE. THE GRANT MAY INCLUDE ATTORNEY'S FEES, OR COSTS, OR BOTH.

(2) THE COUNTY COMMISSIONERS MAY PAY THE GRANT IN LUMP-SUM OR IN INSTALLMENTS.

(3) THE COUNTY COMMISSIONERS MAY MAKE THE GRANT ONLY:

(I) UPON WRITTEN APPLICATION TO THE COUNTY COMMISSIONERS SPECIFYING THE APPLICANT'S REASONS FOR BELIEVING THE JUDGMENT TO BE A COUNTY RESPONSIBILITY;

(II) UPON A HEARING BEFORE THE COUNTY COMMISSIONERS OR A HEARING OFFICER APPOINTED BY IT;

(III) AFTER A WRITTEN REPORT IS RECEIVED FROM THE COUNTY ATTORNEY, IF THE APPLICANT IS A COUNTY OFFICER OR EMPLOYEE AND A DEFENSE WAS PROVIDED TO THE OFFICER OR EMPLOYEE PURSUANT TO THE PROVISIONS ~~OF--ARTICLE 32A--OF--THE--CODE~~ OF §§ 3-69 THROUGH 3-76, INCLUSIVE, OF THIS CODE; AND

(IV) AFTER A WRITTEN OPINION HAS BEEN FILED BY THE COUNTY COMMISSIONERS ASSIGNING ITS REASONS FOR THE GRANT OR DENIAL.

(4) AS A CONDITION TO THE PAYMENT OF THE GRANT, THE COUNTY COMMISSIONERS SHALL FIND THAT THE ACT OR OMISSION OF THE COUNTY OFFICER OR COUNTY EMPLOYEE OCCURRED DURING THE PERFORMANCE OF HIS DUTIES AND IN THE SCOPE OF HIS EMPLOYMENT, DID NOT AMOUNT TO GROSS NEGLIGENCE AND WAS DONE WITHOUT MALICE. THE FINDING SHALL BE INCLUDED IN THE WRITTEN OPINION OF THE COUNTY COMMISSIONERS.