

HIS EMPLOYMENT OR THAT THE ACT OR OMISSION OF THE OFFICER OR EMPLOYEE WAS MALICIOUS OR GROSSLY NEGLIGENT, AND THE DEFENSE OF IMMUNITY AS TO THE OFFICER OR EMPLOYEE IS NOT AVAILABLE; BUT SUCH REIMBURSEMENT MAY NOT BE REQUIRED IF THE INFORMATION PROVIDED TO THE COUNTY ATTORNEY BY THE OFFICER OR EMPLOYEE WAS COMPLETE AND WAS NEITHER FALSE NOR MISLEADING. THESE COSTS CONSTITUTE A DEBT DUE TO THE COUNTY AND MAY BE COLLECTED BY APPROPRIATE JUDICIAL PROCEEDINGS.

(2) THAT, IF A JUDGMENT IS RENDERED AGAINST THE OFFICER OR EMPLOYEE, THE COUNTY, ITS AGENCY, BOARD, COMMISSION, OR DEPARTMENT THEREOF, IS NOT RESPONSIBLE FOR THE PAYMENT OF THE JUDGMENT, AND THE LEGAL REPRESENTATION BY THE COUNTY ATTORNEY, HIS ASSISTANTS, OR SPECIAL COUNSEL OF AN OFFICER OR EMPLOYEE IN NO MANNER CONSTITUTES AN OBLIGATION ON THE PART OF THE COUNTY TO PAY THE JUDGMENT OR A SETTLEMENT OF A CLAIM, BUT THAT THE OFFICER OR EMPLOYEE MAY MAKE WRITTEN APPLICATION TO THE COUNTY COMMISSIONERS.

(3) THAT THE COUNTY ATTORNEY MAY NOT COMPROMISE OR SETTLE ANY CLAIM WITHOUT THE WRITTEN CONSENT OF THE OFFICER OR EMPLOYEE. IF THE OFFICER OR EMPLOYEE DOES NOT CONSENT TO THE COMPROMISE OR SETTLEMENT, THE COUNTY ATTORNEY MAY WITHDRAW FROM THE REPRESENTATION SUBJECT TO THE APPROPRIATE RULES OF COURT; AND IN THAT EVENT THE COUNTY IS NOT RESPONSIBLE FOR ANY FURTHER COSTS WHATSOEVER.

3-75.

IN AN ACTION OR PROCEEDING AGAINST AN OFFICER OR EMPLOYEE, IF A JUDGMENT IS RENDERED IN FAVOR OF THE OFFICER OR EMPLOYEE, AND IF THE COURT FINDS THAT THE ACTION OR PROCEEDING WAS INSTITUTED IN (1) BAD FAITH OR (2) WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT SHALL REQUIRE THE MOVING PARTY TO PAY THE COUNTY OR THE OFFICER OR EMPLOYEE, AS THE CASE MAY BE, THE AMOUNT OF THE COST THEREOF AND THE REASONABLE EXPENSES INCURRED, INCLUDING REASONABLE ATTORNEYS' FEES. THE COURT SHALL REQUIRE THE MOVING PARTY TO PAY THE COST AND EXPENSES DIRECTLY TO THE COUNTY OR TO ITS APPROPRIATE AGENCY, BOARD, COMMISSION, OR DEPARTMENT THEREOF, IF PRIOR PAYMENT OF COSTS AND EXPENSES TO THE OFFICER OR EMPLOYEE HAS BEEN MADE PURSUANT TO THE PROVISIONS OF § 3-71 OF THIS ARTICLE.

3-76.

THE CONSENT OF THE COUNTY ATTORNEY TO DEFEND ACTIONS OR PROCEEDINGS AGAINST COUNTY OFFICERS AND EMPLOYEES MAY NOT BE CONSTRUED TO DEPRIVE ANY AGENCY, BOARD, COMMISSION, DEPARTMENT, OFFICER, OR INSTITUTION, OR ANY EMPLOYEE THEREOF, OF ITS IMMUNITY AS IT EXISTED PRIOR TO JULY 1, 1980.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and pay not be applied or interpreted to have any effect upon or application to any