

SUPERVISE AN ACTIVITY AT A STATE PARK OR RECREATION FACILITY.

(B) THE IMMUNITY OF THE STATE IN TORT IS NOT WAIVED FOR THE FOLLOWING PURPOSES:

- (1) PUNITIVE DAMAGES;
- (2) INTEREST PRIOR TO JUDGMENT;
- (3) INDIVIDUAL CLAIMS IN EXCESS OF \$100,000;
- (4) AN AGGREGATE OF CLAIMS ARISING FROM THE SAME OCCURRENCE IN EXCESS OF \$500,000;
- (5) ANY CLAIM ARISING OUT OF THE COMBATANT ACTIVITIES OF THE MILITIA OF THIS STATE DURING A STATE OF EMERGENCY; AND
- (6) ANY CAUSE OF ACTION SPECIFICALLY PROHIBITED BY LAW.

5-404.

(A) (1) THE IMMUNITY OF AN EMPLOYEE OF THE STATE FROM LIABILITY IN TORT IN HIS OFFICIAL CAPACITY IS WAIVED TO THE SAME EXTENT AS THE IMMUNITY OF THE STATE IS WAIVED UNDER § 5-403 OF THIS SUBTITLE.

(2) IN ANY ACTION AGAINST A STATE EMPLOYEE IN HIS OFFICIAL CAPACITY FOR DAMAGES RESULTING FROM TORTIOUS ACTS OR OMISSIONS WITHIN THE SCOPE OF HIS PUBLIC DUTIES, THE STATE SHALL BE JOINED AS A PARTY, AND THE ISSUE OF WHETHER THE ALLEGED ACT OR OMISSION OCCURRED WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE STATE EMPLOYEE MAY BE TRIED SEPARATELY.

(3) A JUDGMENT IN TORT FOR MONEY DAMAGES AGAINST A STATE EMPLOYEE IN HIS OFFICIAL CAPACITY IS A JUDGMENT AGAINST THE STATE ONLY AND MAY NOT BE EXECUTED AGAINST THE EMPLOYEE IN HIS INDIVIDUAL CAPACITY.

(B) A STATE EMPLOYEE WHO HAS ACTED WITHIN THE SCOPE OF HIS PUBLIC DUTIES, ABSENT MALICE, OR GROSS NEGLIGENCE, IS NOT LIABLE IN HIS INDIVIDUAL CAPACITY FOR ANY DAMAGES RESULTING FROM TORTIOUS CONDUCT FOR WHICH THE STATE HAS WAIVED ITS IMMUNITY UNDER THIS SUBTITLE, EVEN WHEN THE DAMAGES EXCEED THE LIMITS OF THE STATE'S WAIVER OF IMMUNITY.

5-405.

(A) UNLESS FULL LEGAL REPRESENTATION IS PROVIDED UNDER A CONTRACT OF INSURANCE, THE ATTORNEY GENERAL SHALL DEFEND ANY CIVIL ACTION OR PROCEEDING BROUGHT UNDER THIS SUBTITLE AGAINST THE STATE.

(B) REPRESENTATION OF A STATE EMPLOYEE SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12A OF ARTICLE 32A OF THIS CODE.