

are discharging in some degree a portion of the purpose and sovereignty of the State.

(3) Recent court decisions throughout the country have created new grounds of personal liability of public officers and employees accruing from the discharge of their public duties. As a result it is becoming 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 State 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 State officer or employee for his actions shall remain unaffected by the provisions of this section.

(b) (1) The Board of Public Works may grant from the general emergency fund, or from funds provided therefor by the Governor in the budget bill, or from funds appropriated therefor to the State Insurance Trust Fund, a sum to satisfy all or part of any settlement or any judgment rendered by a court of competent jurisdiction against a State officer or State employee. The grant may include attorney's fees, or costs, or both.

(2) The Board may pay the grant in lump sum or in installments.

(3) The Board may make the grant only (i) upon written application to the Board specifying the applicant's reasons for believing the judgment to be a State responsibility; (ii) upon a hearing before the Board or a hearing officer appointed by it; (iii) after a written report is received from the attorney general, if the applicant is a State officer or employee for purposes of Article 32A and a defense was provided to the officer or employee pursuant to the provisions of Article 32A of the Code; and (iv) after a written opinion has been filed by the Board assigning its reasons for the grant or denial.

(4) As a condition to the payment of the grant, the Board shall find that the act or omission of the State officer or State 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 Board.