

In item (3) of this section, the reference to a county "board of education" is substituted for the former reference to "boards of school commissioners" to conform to ED § 3-104(a), which provides that every county, other than Baltimore City, has a "board of education".

Defined term: "County" § 1-101

12-302. RESERVED.

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PART II. CIVIL ACTIONS AND SPECIAL PROCEEDINGS.

12-304. APPEARANCE OF ATTORNEY GENERAL.

(A) APPEARANCE FOR OFFICER OR EMPLOYEE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART II OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL APPEAR IN A CIVIL ACTION OR SPECIAL PROCEEDING AGAINST A STATE OFFICER OR STATE EMPLOYEE TO REPRESENT THE OFFICER OR EMPLOYEE IF:

(I) THE ACTION OR PROCEEDING IS IN A COURT OF THE STATE OR OF THE UNITED STATES;

(II) THE OFFICER OR EMPLOYEE SUBMITS TO THE ATTORNEY GENERAL A WRITTEN REQUEST FOR REPRESENTATION;

(III) THE ATTORNEY GENERAL OR A PERSON WHOM THE ATTORNEY GENERAL DESIGNATES INVESTIGATES THE FACTS ON WHICH THE ACTION OR PROCEEDING IS BASED;

(IV) THE ATTORNEY GENERAL DOES NOT FIND THE OFFICER OR EMPLOYEE INELIGIBLE FOR REPRESENTATION UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(V) THE OFFICER OR EMPLOYEE ENTERS INTO AN AGREEMENT AS REQUIRED BY § 12-305 OF THIS SUBTITLE.

(2) THE ATTORNEY GENERAL MAY PROVIDE THIS REPRESENTATION BY A DEPUTY ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, SPECIAL COUNSEL, OR OTHER PRIVATE COUNSEL.

(B) EXCEPTIONS.

(1) THE ATTORNEY GENERAL SHALL DECLINE TO REPRESENT A STATE OFFICER OR STATE EMPLOYEE IF, ON THE BASIS OF THE INVESTIGATION, THE ATTORNEY GENERAL FINDS THAT THE OFFICER OR EMPLOYEE:

(I) WAS NOT ACTING WITHIN THE SCOPE OF EMPLOYMENT OF THE OFFICER OR EMPLOYEE;