

former Art. 32A, § 12A(a)(2) and (b), the second, fourth, and fifth sentences of § 12B, and the fourth sentence of § 12C.

The introductory clause of subsection (a)(1) of this section, "[e]xcept as otherwise provided in this Part II of this subtitle," is substituted for the former phrase "[s]ubject to the provisions of § 12B," which failed to reflect the requirement for an agreement and the power, under the agreement, to withdraw from representation.

In subsection (b)(1) of this section, the phrase "shall decline to represent" is substituted for the former reference "no defense may be provided", to reflect that withdrawal from appearance is subject to court rules.

Also in subsection (b)(1) of this section, the reference "on the basis of the investigation" is substituted for the former requirement that "the investigation shall proceed no further", since the Attorney General is not required to do the investigation personally.

In the introductory language of subsection (b)(2) of this section, the clause "who otherwise is eligible for representation" is added to clarify the scope of these exceptions. Therefore the former, limited exception "[n]otwithstanding ... paragraph (1)", which only applied to the provisions revised in subsection (b)(2)(i) of this section, is deleted as unnecessary.

In subsection (b)(2)(ii) of this section, the former power to "terminate further investigation" is deleted since investigation may be unnecessary if the Attorney General knows of the insurance before the investigation begins.

As to defending a law enforcement officer in connection with a search and seizure of a handgun, see Art. 27, § 36D of the Code.

Defined term: "Person" § 1-101

12-305. AGREEMENT FOR REPRESENTATION.

BEFORE A STATE OFFICER OR STATE EMPLOYEE MAY BE REPRESENTED UNDER THIS PART II OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL HAVE THE OFFICER OR EMPLOYEE ENTER INTO AN AGREEMENT THAT:

(1) ENABLES THE ATTORNEY GENERAL TO REQUIRE, FROM THE OFFICER OR EMPLOYEE, REIMBURSEMENT OF COURT COSTS, REASONABLE COUNSEL FEES, AND OTHER EXPENSES IN REPRESENTING THE OFFICER OR EMPLOYEE IF: