

(I) IT IS DETERMINED JUDICIALLY THAT:

1. THE DEFENSE OF SOVEREIGN IMMUNITY IS NOT AVAILABLE TO THE OFFICER OR EMPLOYEE;

2. THE INJURIES AROSE OUT OF AN ACT OR OMISSION OF THE OFFICER OR EMPLOYEE; AND

3. THE ACT OR OMISSION WAS MALICIOUS OR GROSSLY NEGLIGENT OR, WHEN THE ACT OR THE OMISSION WAS MADE, THE OFFICER OR EMPLOYEE WAS NOT PERFORMING A DUTY WITHIN THE SCOPE OF THE EMPLOYMENT OF THE OFFICER OR EMPLOYEE; AND

(II) THE OFFICER OR EMPLOYEE DID NOT GIVE THE ATTORNEY GENERAL COMPLETE INFORMATION OR GAVE THE ATTORNEY GENERAL INFORMATION THAT IS FALSE OR MISLEADING;

(2) AUTHORIZES COLLECTION OF THE REIMBURSEMENT, AS A DEBT DUE TO THE STATE, THROUGH AN APPROPRIATE JUDICIAL PROCEEDING;

(3) STATES THAT:

(I) THIS REPRESENTATION OF THE OFFICER OR EMPLOYEE DOES NOT CONSTITUTE AN OBLIGATION FOR THE STATE TO PAY A SETTLEMENT, IF THE CLAIM IS SETTLED, OR A JUDGMENT, IF JUDGMENT IS RENDERED AGAINST THE OFFICER OR EMPLOYEE;

(II) THE STATE AND ITS UNITS ARE NOT RESPONSIBLE FOR PAYMENT OF THE JUDGMENT; AND

(III) THE OFFICER OR EMPLOYEE IS ENTITLED TO SUBMIT TO THE BOARD OF PUBLIC WORKS AN APPLICATION FOR PAYMENT OF A SETTLEMENT OR JUDGMENT;

(4) PROVIDES THAT:

(I) THE ATTORNEY GENERAL MAY NOT COMPROMISE OR SETTLE THE CLAIM AGAINST THE OFFICER OR EMPLOYEE WITHOUT THE WRITTEN CONSENT OF THE OFFICER OR EMPLOYEE;

(II) IF THE OFFICER OR EMPLOYEE WILL NOT CONSENT, THE ATTORNEY GENERAL MAY WITHDRAW THE APPEARANCE IN ACCORDANCE WITH THE APPROPRIATE COURT RULES; AND

(III) THE STATE IS NOT RESPONSIBLE FOR ANY COSTS AFTER THE WITHDRAWAL; AND

(5) INCLUDES ANY OTHER PROVISIONS THAT THE ATTORNEY GENERAL CONSIDERS NECESSARY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 32A, § 12F.