

In item (1) of this section, the words "in representing the ... employee" are added to modify "expenses", for clarity.

Also in item (1) of this section, the former limitation "if he determines it appropriate" is deleted as unnecessary since item (1) of this section is enabling rather than mandatory.

Item (5) of this section is derived from the former phrase "among other things" and is revised to clarify that the Attorney General determines additional appropriate provisions.

As to payment of settlements and judgments by the Board of Public Works, see Subtitle 4 of this title.

Defined terms: "Includes"; "including" § 1-101

12-306. SCOPE AND EFFECT OF REPRESENTATION.

(A) SCOPE.

REPRESENTATION UNDER THIS PART II OF THIS SUBTITLE INCLUDES THE RIGHT TO ASSERT A COUNTERCLAIM OR TO ASSERT OR DEFEND AGAINST A THIRD PARTY CLAIM FOR THE OFFICER OR EMPLOYEE..

(B) EFFECT.

THE REPRESENTATION DOES NOT DEPRIVE ANY STATE OFFICER, STATE EMPLOYEE, OR UNIT OF THE STATE GOVERNMENT OF ANY SOVEREIGN IMMUNITY THAT IS AVAILABLE TO THE OFFICER, EMPLOYEE, OR UNIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 32A, § 12H(a) and the third sentence of § 12A(a)(1).

In subsection (b) of this section, the phrase "as it existed prior to July 1, 1973", which formerly modified the term "sovereign immunity", is deleted as obsolete and as misleading, since the former phrase suggested that this subtitle affects sovereign immunity, after that date. However, this suggestion was inconsistent with the several, specific references to the existence of the defense of sovereign immunity. See, e.g., § 12-305(1)(i)1. of this subtitle.

Former Art. 32A, § 12H(b), which made "this act" -- i.e., Ch. 758, Acts of 1973 -- applicable to cases instituted "on or after July 1, 1973", is deleted as obsolete.

Defined terms: "Includes"; "including" § 1-101