

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

In subsection (a) of this section, the reference to a "person who brings" an action or proceeding is substituted for the former references to a "moving party", which may be, e.g., the State.

In subsection (b) of this section, the phrase "in defending against the ... proceeding" is added to clarify the reimbursable expenses.

Defined term: "Person" § 1-101

#### 12-310. REIMBURSEMENT BY STATE.

##### (A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE EXTENT THAT A STATE OFFICER OR STATE EMPLOYEE IS REIMBURSED UNDER § 12-309 OF THIS SUBTITLE.

##### (B) LIABILITY OF STATE.

THE STATE IS LIABLE TO A STATE OFFICER OR STATE EMPLOYEE FOR REIMBURSEMENT OF COURT COSTS, COUNSEL FEES, AND OTHER -REASONABLE EXPENSES THAT THE OFFICER OR EMPLOYEE INCURS IN DEFENDING AN ACTION OR PROCEEDING IF:

(1) THE ATTORNEY GENERAL DECLINED REPRESENTATION UNDER § 12-304(B)(1) OF THIS SUBTITLE; AND

(2) IT IS DETERMINED JUDICIALLY THAT:

(I) THE DEFENSE OF SOVEREIGN IMMUNITY IS AVAILABLE TO THE OFFICER OR EMPLOYEE; OR

(II) INJURIES AROSE FROM AN ACT OR OMISSION OF THE OFFICER OR EMPLOYEE AND, WHEN THE ACT OR THE OMISSION WAS MADE, THE OFFICER OR EMPLOYEE WAS ACTING WITHIN THE SCOPE OF EMPLOYMENT AND THE ACT OR OMISSION WAS NOT MALICIOUS AND WAS NOT GROSSLY NEGLIGENT.

##### (C) PAYMENT BY UNIT.

WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE UNIT BY WHICH THE OFFICER OR EMPLOYEE WAS EMPLOYED WHEN THE ACT OR OMISSION WAS MADE SHALL PAY THE REIMBURSEMENT UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 32A, § 12C.