

(2) The deputy attorney general, assistant attorney general, special attorney, or law clerk shall perform the assigned duty, subject to the control of the Attorney General.

12-305.

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:

(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: