

(4) As a condition to the payment of the grant, the County Commissioners shall find that the act or omission of the County officer or County employee occurred during the performance of his OR HER duties and in the scope of his OR HER employment, did not amount to gross negligence, and was done without malice. The finding shall be included in the written opinion of the County Commissioners.

(b) The payment of the grant by the County Commissioners may not be construed to abrogate the immunity of the State or County, or deprive any agency, board, commission, department, officer or institution, or any employee thereof, of its sovereign immunity. Any appeal may not be made to any court from a decision of the County Commissioners pursuant to this section.

(c) (1) For the purposes of this section, the term "County officer" includes a person who holds a position which, while acting in the performance of [his] THE PERSON'S duties and within the scope of [his] THE PERSON'S employment, involves the exercise of discretion and involves the discharge of a portion of the sovereignty of the State or County, regardless of the amount or source of [his] THE PERSON'S compensation.

(2) For the purposes of this section, the term "County employee" includes:

(i) Any regular classified or unclassified employee of the County for whom compensation is provided for by County appropriation or whose compensation is paid, in whole or in part, from County funds;

(ii) Any employee subject to the jurisdiction of the County Bureau of Personnel;

(iii) A person performing the services of a County employee on a voluntary basis.

(3) The County Commissioners shall determine, in cases of doubt, whether any person making written application under subsection (b) is a County officer or County employee for the purpose of this section, regardless of the method, source, or amount of compensation of the person.

(d) The immunities or defenses available to an individual County officer or employee for [his] THE PERSON'S actions shall remain unaffected by the provisions of this section.

[3-69.] 3-803. Criminal action against County employees.

(a) Subject to the provisions of [§ 3-70] § 3-804 OF THIS SUBTITLE, the County Attorney, when requested in writing by any officer or employee of the County, may defend any criminal action instituted in the Courts of this State or of the United States against the officer or employee by reason of any act done or omitted to be done without malice and in the absence of gross negligence and in the scope of employment. However, if the County Attorney determines that representation is appropriate, special counsel shall be appointed to appear and defend the criminal action.