

(1) in connection with a criminal investigation into conduct as an officer or employee if the investigation has concluded and criminal charges have not been filed against the officer or employee; or

(2) in defending against criminal charges that related to conduct as an officer or employee if final disposition of all of the charges does not result in a plea of nolo contendere, a guilty plea, or a finding of guilt.

12-315.

(a) The Board of Public Works may not provide reimbursement or payment under this Part III of this subtitle unless:

(1) the State officer or State employee submits to the Board a written application for reimbursement; and

(2) the Attorney General certifies that:

(i) the applicant retained counsel;

(ii) the applicant gave the Attorney General written notice promptly after counsel was retained; and

(iii) ~~EXCEPT AS PROVIDED IN § 12-315.1 OF THIS SUBTITLE, EXCEPT AS PROVIDED IN § 12-315.1 OF THIS SUBTITLE,~~ after review of the evidence and other information, the Attorney General or a designee appointed under this section made the following determinations:

1. in connection with the matter under criminal investigation, the applicant discharged the public responsibilities in good faith, did not engage in unlawful conduct, and was reasonable in retaining counsel and incurring the counsel fees for which reimbursement is sought; or

2. in connection with the matter that was the subject of criminal charges, the applicant discharged the public responsibilities in good faith and incurred reasonable counsel fees.

(b) Notwithstanding subsection (a)(2)(ii) of this section, the Board of Public Works may approve reimbursement to an applicant who fails to give the Attorney General notice promptly after counsel is retained if the Board determines that the failure is for good cause.

(c) If the Attorney General believes that it would be inappropriate for the Attorney General to make the determinations under subsection (a)(2)(iii) of this section, the Attorney General or the Board of Public Works may designate other counsel to carry out that duty.

(d) The determinations of the Attorney General or designee under this section are not subject to judicial review.

12-315.1.

(A) THE SUBJECT TO THE LIMITATIONS OF SUBSECTION (B) OF THIS SECTION AND § 12-315 OF THIS SUBTITLE, THE BOARD OF PUBLIC WORKS SHALL MAY APPROVE