



General Assembly

January Session, 2005

Raised Bill No. 1282

LCO No. 4368

04368_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE INDEMNIFICATION AND REPRESENTATION OF STATE OFFICERS AND EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-141d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The state shall save harmless and indemnify any state officer or
4 employee, as defined in section 4-141, and any member of the Public
5 Defender Services Commission from financial loss and expense arising
6 out of any claim, demand, suit or judgment by reason of his alleged
7 negligence or alleged deprivation of any person's civil rights or other
8 act or omission resulting in damage or injury, if the officer, employee
9 or member is found to have been acting in the discharge of his duties
10 or within the scope of his employment and such act or omission is
11 found not to have been wanton, reckless or malicious.

12 (b) The state, through the Attorney General, shall provide for the
13 defense of any such state officer, employee or member in any civil
14 action or proceeding in any state or federal court arising out of any
15 alleged act, omission or deprivation which occurred or is alleged to

16 have occurred while the officer, employee or member was acting in the
17 discharge of his duties or in the scope of his employment, except that
18 the state shall not be required to provide for such a defense whenever
19 the Attorney General, based on his investigation of the facts and
20 circumstances of the case, determines that it would be inappropriate to
21 do so and he so notifies the officer, employee or member in writing.

22 (c) Legal fees and costs incurred as a result of the retention by any
23 such officer, employee or member of an attorney to defend his interests
24 in any such civil action or proceeding shall be borne by the state only
25 in those cases where (1) the Attorney General has stated in writing to
26 the officer, employee or member, pursuant to subsection (b) of this
27 section, that the state will not provide an attorney to defend the
28 interests of the officer, employee or member, and (2) the officer,
29 employee or member is thereafter found to have acted in the discharge
30 of his duties or in the scope of his employment, and not to have acted
31 wantonly, recklessly or maliciously. Such legal fees and costs incurred
32 by [a state] such officer, [or] employee or member shall be paid to [the]
33 such officer, [or] employee or member only after the final disposition
34 of the suit, claim or demand and only in such amounts as shall be
35 determined by the Attorney General to be reasonable. In determining
36 whether such amounts are reasonable the Attorney General may
37 consider whether it was appropriate for a group of officers, employees
38 or members to be represented by the same counsel.

39 (d) Such officer, employee or member may bring an action in the
40 Superior Court against the state to enforce the provisions of this
41 section.

42 ~~[(d)]~~ (e) The provisions of this section shall not be applicable to any
43 [state] such officer, [or] employee or member to the extent he has a
44 right to indemnification under any other section of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2005	5-141d
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Statement of Purpose:

To authorize state officers and employees to bring suit against the state to enforce the state's obligation to defend and indemnify them whenever they are sued for acts or omissions occurring while acting in the discharge of their duties or within the scope of their employment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]