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§12–308.

(a) If an action or special proceeding against a State officer or State employee in which the Attorney General has declined representation under § 12-304(b)(1) of this subtitle results in final judgment, the court or jury shall find whether:

(1) the defense of sovereign immunity is available to the officer or employee;

(2) the officer or employee was acting within the scope of the employment of the officer or employee;

(3) the alleged act or omission was malicious; and

(4) the alleged act or omission was grossly negligent.

(b) A jury shall make the findings by written, special verdict.

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