



General Assembly

Amendment

January Session, 2025

LCO No. 10509



Offered by:
SEN. GORDON, 35th Dist.

To: House Bill No. 7287

File No.

Cal. No.

(As Amended)

**"AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM
ENDING JUNE 30, 2027, AND MAKING APPROPRIATIONS
THEREFOR, AND PROVISIONS RELATED TO REVENUE AND
OTHER ITEMS IMPLEMENTING THE STATE BUDGET."**

Strike sections 61 and 62 in their entirety and insert the following in lieu thereof:

"Sec. 61. Section 5-141d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(a) The state shall save harmless and indemnify any state officer or employee, as defined in section 4-141, and any member of the Public Defender Services Commission from financial loss and expense arising out of any claim, demand, suit or judgment by reason of his alleged negligence or alleged deprivation of any person's civil rights or other act or omission resulting in damage or injury, if the officer, employee or member is found to have been acting in the discharge of his duties or within the scope of his employment and such act or omission is found

not to have been wanton, reckless or malicious. As used in this section, "state officer or employee" includes any member of a state officer's or employee's immediate family who is named or included in any such claim, demand, suit or judgment solely by reason of such familial relationship; and "immediate family" has the same meaning as provided in section 1-79.

(b) The state, through the Attorney General, shall provide for the defense of any such state officer, employee or member in any civil action or proceeding in any state or federal court arising out of any alleged act, omission or deprivation which occurred or is alleged to have occurred while the officer, employee or member was acting in the discharge of his duties or in the scope of his employment, except that the state shall not be required to provide for such a defense whenever the Attorney General, based on his investigation of the facts and circumstances of the case, determines that it would be inappropriate to do so and he so notifies the officer, employee or member in writing.

(c) (1) The state, through the Attorney General, may provide for the defense of any such state officer, employee or member for such officer, employee or member's participation as a witness in any criminal investigation conducted if the officer, employee or member's status as a witness arises from the officer, employee or member's discharge of his duties or in the scope of his employment in any case in which the Attorney General determines, based on his investigation of the facts and circumstances of the case, that the officer, employee or member is not identified as a target, subject or person of interest in the investigation or proceeding at the time of the request.

(2) If the Attorney General makes a determination that a conflict of interest exists between the individual seeking representation and the state's broader legal interests, the Attorney General shall promptly notify the individual and advise whether or not the use of outside counsel at the state's expense will be authorized.

(3) Representation under this subsection shall be limited strictly to

matters arising from the individual's status as a witness or their official duties and shall not extend to personal legal matters or unrelated conduct.

(4) The Attorney General shall conduct a periodic review to confirm the individual's status as a witness and ensure compliance with the terms of representation. If the individual becomes a target, subject or person of interest, or is subsequently indicted or arrested, the Attorney General shall make a determination whether in his discretion, representation shall cease and the individual shall be promptly notified of such determination.

(d) The state, through the Attorney General, may provide for the defense of any such state officer, employee or member in a federal criminal investigation or prosecution arising out of any alleged act, omission or deprivation which occurred or is alleged to have occurred while the officer, employee or member was acting in the discharge of such officer, employee or member's duties or in the scope of such officer, employee or member's employment in any case in which the relevant agency head or constitutional officer requests representation and the Attorney General determines, in the Attorney General's discretion, that:

(1) The alleged act, omission or deprivation was consistent with such officer, employee or member's obligations under state law and the tenth amendment to the United States Constitution; and

(2) The legal basis on which the federal criminal investigation or prosecution is founded is without merit.

(e) The state shall not be required to provide for a defense described in subsections (c) and (d) of this section whenever the Attorney General, based on his investigation of the facts and circumstances of the case, determines that the state officer, employee or member has engaged in committing acts of fraud against the state and such defense would be inappropriate and the Attorney General notifies the officer, employee or member in writing that the state shall not be providing a defense.

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

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

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

Sec. 62. Subdivision (5) of subsection (k) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(5) The state shall hold harmless and indemnify any health care guardian appointed by the court pursuant to subdivision (3) of this subsection from financial loss and expense arising out of any claim, demand, suit or judgment by reason of such health care guardian's alleged negligence or alleged deprivation of any person's civil rights or other act or omission resulting in damage or injury, provided the health care guardian is found to have been acting in the discharge of his or her

duties pursuant to said subdivision and such act or omission is found not to have been wanton, reckless or malicious. The provisions of subsections (b), [(c)] (f) and [(d)] (g) of section 5-141d shall apply to such health care guardian. The provisions of chapter 53 shall not apply to a claim against such health care guardian."