

**12.212 Attorney General may decline to defend when certain circumstances exist.**

- (1) The Attorney General may decline to provide for the defense of a civil action brought against an employee or former employee if he determines that:
  - (a) The act or omission was not within the scope and course of his employment as a state employee; or
  - (b) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or
  - (c) Defense of the action by the Commonwealth would create a conflict of interest between the Commonwealth and the employee or former employee; or
  - (d) Defense of the action would not be in the best interests of the Commonwealth.
- (2) The Attorney General may delegate his authority to make these determinations to the chief administrative authority of any agency, institution, board, or commission whose employees are to be defended.

**History:** Created 1976 Ky. Acts ch. 362, sec. 2.