

§ 17F-5. Defense of Highway Patrol members and other State law-enforcement officers in civil actions; payment of judgments.

(a) If a member of the Highway Patrol or any other State law-enforcement officer is sued in a civil action as an individual for acts occurring while the member or officer was alleged to be acting within the course and scope of his or her office, employment, service, agency, or authority, and the acts were alleged to be a proximate cause of the injury or damage, the Attorney General may defend the employee through the use of a member of his or her staff or, in the Attorney General's discretion, employ private counsel, subject to Article 31A of Chapter 143 of the General Statutes and G.S. 147-17(a) through (c) and (d). Any judgment rendered as a result of the civil action against the employee for acts alleged to be committed within the course and scope of his or her office, employment, service, agency, or authority shall be paid as an expense of administration up to the limit provided in the Tort Claims Act.

(b) The coverage afforded under this Article is excess coverage over any commercial liability insurance up to the limit of the Tort Claims Act. (1929, c. 218, s. 9; 1941, c. 36; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1323; 1975, c. 210; 1977, c. 70, s. 12; 2011-145, s. 28.27(d); 2017-57, s. 6.7(d); recodified from N.C. Gen. Stat. 20-194 by 2023-46, s. 6.)