



CHAPTER 143
ARTICLE 31A - DEFENSE OF STATE EMPLOYEES, MEDICAL CONTRACTORS AND LOCAL SANITARIANS

N.C.G.S. § 143-300.4.

Grounds for refusal of defense.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT c. 1092, s. 1 — first act in the lineage	RETRIEVED 21 September 2026, 05:53 UTC	SOURCE FINGERPRINT 503a1a0c481f931c5c01c2d2 - 249f0470048c1802c8550f99 - 42e21ec704dd4be7
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§ 143-300.4(a) The State shall refuse to provide for the defense of a civil or criminal action or proceeding brought against an employee or former employee if the State determines that:

- (1) The act or omission was not within the scope and course of his employment as a State employee; or
- (2) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or
- (3) Defense of the action or proceeding by the State would create a conflict of interest between the State and the employee or former employee; or
- (4) Defense of the action or proceeding would not be in the best interests of the State.

§ 143-300.4(b) The determinations required by subsection (a) of this section shall be made by the Attorney General. 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 as provided by subdivision (3) or (4) of G.S. 143-300.5. Approval of the request by an employee or former employee for provision of defense shall raise a presumption that the determination required by this section had been made and that no grounds for refusal to defend were discovered.

APPARATUS I
1 ACT

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1967 1968			
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1967	c. 1092, s. 1	ENACTED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 143-300.5	(b)	"by subdivision (3) or (4) of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-300.4 (1967).

PINPOINT

N.C. Gen. Stat. § 143-300.4(a) (1967).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1967, c. 1092, s. 1.)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

