

**63G-7-903 Recovery of judgment paid and defense costs by government employee.**

- (1) Subject to Subsection (2), if an employee pays a judgment entered against him, or any portion of it, that the governmental entity is required to pay under Section 63G-7-902, the employee may recover from the governmental entity the amount of the payment and the reasonable costs incurred in the employee's defense.
- (2)
  - (a) If a governmental entity does not conduct the defense of an employee against a claim, or conducts the defense under a reservation of rights as provided in Subsection 63G-7-902(6), the employee may recover from the governmental entity under Subsection (1) if the employee can prove that none of the conditions set forth in Subsection 63G-7-202(3)(c) applied.
  - (b) The employee has the burden of proof that none of the conditions set forth in Subsection 63G-7-202(3)(c) applied.

Renumbered and Amended by Chapter 382, 2008 General Session