§ 259-q. Civil actions against board personnel. 1. No civil action shall be brought in any court of the state, except by the attorney general on behalf of the state, against any officer or employee of the board of parole or former division of parole, in his personal capacity, for damages arising out of any act done or the failure to perform any act within the scope of the employment and in the discharge of the duties by such officer or employee.

2. Any claim for damages arising out of any act done or the failure to perform any act within the scope of the employment and in the discharge of the duties of any officer or employee of the board of parole or former division of parole shall be brought and maintained in the court of claims as a claim against the state.

3. The state shall save harmless and indemnify any officer or employee of the board of parole or former division of parole from financial loss resulting from a claim filed in a court of the United States for damages arising out of an act done or the failure to perform any act that was (a) within the scope of the employment and in the discharge of the duties of such officer or employee, and (b) not done or omitted with the intent to violate any rule or regulation of the department, board or former division or of any statute or governing case law of the state or of the United States at the time the damages were sustained; provided that the officer or employee shall comply with the provisions of subdivision four of section seventeen of the public officers law.

4. (a) The provisions of this section shall supplement, and be available in addition to, the provisions of section seventeen of the public officers law and, insofar as this section is inconsistent with section seventeen of the public officers law, the provisions of this section shall be controlling.

(b) The provisions of this section shall not be construed in any way to impair, modify or abrogate any immunity available to any officer or employee of the board of parole or former division of parole under the statutory or decisional law of the state or the United States.

5. This section shall not in any way impair, limit or modify the

rights and obligations of any insurer under any policy of insurance.

6. The benefits of subdivision three hereof shall inure only to officers and employees of the board of parole or former division of parole and shall not enlarge or diminish the rights of any other party.

7. This section shall apply with respect to claims arising on or after the effective date of this section. Claims arising prior thereto shall be governed by section seventeen of the public officers law or section twenty-four of the correction law as the case may be.