

(B) THE TERM "SERVICE IN A FIDUCIARY CAPACITY," AS USED IN THIS SECTION, MEANS THE EXERCISE OF ANY DISCRETIONARY AUTHORITY OR CONTROL CONCERNING THE MANAGEMENT OR ADMINISTRATION OF THE STATE POLICE RETIREMENT SYSTEM, OR THE EXERCISE OF ANY DISCRETIONARY AUTHORITY OR CONTROL CONCERNING THE MANAGEMENT OR DISPOSITION OF THE ASSETS OF THE SYSTEM. IT INCLUDES MEMBERSHIP ON THE BOARD OF TRUSTEES OF THE STATE POLICE RETIREMENT SYSTEM, MEMBERSHIP ON THE ADVISORY INVESTMENT COMMITTEE, AND SERVICE AS INVESTMENT ADMINISTRATOR OR ON HIS STAFF.

(C) IF, WITH RESPECT TO A CIVIL, ADMINISTRATIVE, OR INVESTIGATIVE ACTION, SUIT, OR PROCEEDING, THE PERSON ACTED IN GOOD FAITH AND IN A MANNER HE REASONABLY BELIEVED TO BE IN OR NOT OPPOSED TO THE BEST INTEREST OF THE STATE POLICE RETIREMENT SYSTEM, AND, WITH RESPECT TO A CRIMINAL ACTION, HAD NO REASONABLE CAUSE TO BELIEVE HIS CONDUCT WAS UNLAWFUL, THEN INDEMNIFICATION SHALL BE AGAINST THOSE EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, JUDGMENTS, FINES, AND ACCOUNTS PAID IN SETTLEMENT WHICH WERE ACTUALLY AND REASONABLY INCURRED BY HIM IN CONNECTION WITH THE PROCEEDING.

(D) THE TERMINATION OF ANY SUIT OR PROCEEDING, IN ANY MANNER, DOES NOT, OF ITSELF, CREATE A PRESUMPTION THAT THE PERSON DID NOT ACT IN GOOD FAITH AND IN A MANNER HE REASONABLY BELIEVED TO BE IN OR NOT OPPOSED TO THE BEST INTEREST OF THE STATE POLICE RETIREMENT SYSTEM, AND WITH RESPECT TO A CRIMINAL ACTION OR PROCEEDING, HAD REASONABLE CAUSE TO BELIEVE THAT HIS CONDUCT WAS UNLAWFUL.

(E) INDEMNIFICATION MAY NOT BE MADE WITH RESPECT TO ANY SUIT, CLAIM, OR MATTER AS TO WHICH THE PERSON WAS ADJUDGED TO BE LIABLE FOR NEGLIGENCE OR MISCONDUCT IN THE PERFORMANCE OF HIS DUTY TO THE STATE POLICE RETIREMENT SYSTEM. THE COURT IN WHICH THE ACTION WAS BROUGHT MAY DETERMINE, UPON APPLICATION, THAT, DESPITE THE ADJUDICATION OF LIABILITY, THE PERSON IS FAIRLY AND REASONABLY ENTITLED TO INDEMNITY FOR THE EXPENSES WHICH THE COURT SHALL DEEM PROPER.

(F) THE STATE SHALL PROVIDE INSURANCE FOR EVERY PERSON WHO IS SERVING IN A FIDUCIARY CAPACITY TO THE STATE POLICE RETIREMENT SYSTEM AGAINST ANY LIABILITY ASSERTED AGAINST HIM OR INCURRED BY HIM ARISING OUT OF HIS STATUS AS A FIDUCIARY.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall not apply to any judgments, expenses, or fines incurred in such judgments entered prior to July 1, 1975.