

(b) Nothing in this subtitle shall preclude+  
INDEMNIFICATION OF A FIDUCIARY IN ACCORDANCE WITH THE  
PROVISIONS OF SECTION 13A OF ARTICLE 73B; 196A OF ARTICLE  
77, AND SECTION 54A OF ARTICLE 88B.

~~(1) A PLAN FROM PROVIDING INSURANCE FOR ITS  
FIDUCIARIES OR FOR ITSELF TO COVER LIABILITY OR LOSSES  
OCCURRING BY REASON OF THE ACT OR OMISSION OF A  
FIDUCIARY, IF THE INSURANCE PERMITS RECOURSE BY THE  
INSURER AGAINST THE FIDUCIARY IN THE CASE OF A BREACH OF  
A FIDUCIARY OBLIGATION BY A FIDUCIARY;~~

~~(2) A FIDUCIARY FROM PURCHASING INSURANCE TO  
COVER LIABILITY UNDER THIS PART FROM AND FOR HIS OWN  
ACCOUNT; OR~~

~~(3) AN EMPLOYER OR AN EMPLOYEE ORGANIZATION  
FROM PURCHASING INSURANCE TO COVER POTENTIAL LIABILITY OF  
ONE OR MORE PERSONS OR OTHERWISE INDEMNIFYING THOSE  
PERSONS WHO SERVE IN A FIDUCIARY CAPACITY WITH REGARD TO  
AN EMPLOYEE BENEFIT PLAN.~~

§4 79.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
NO PERSON WHO HAS BEEN CONVICTED OF, OR HAS BEEN  
IMPRISONED AS A RESULT OF HIS CONVICTION OF, ANY FELONY,  
OR ANY MISDEMEANOR INVOLVING MORAL TURPITUDE, OR  
VIOLATION OF ANY PROVISION OF THIS SUBTITLE, OR  
CONSPIRACY TO COMMIT ANY OF THESE CRIMES, OR ATTEMPT TO  
COMMIT ANY OF THESE CRIMES, OR A CRIME IN WHICH ANY OF  
THE FOREGOING CRIMES IS AN ELEMENT, SHALL SERVE OR BE  
PERMITTED TO SERVE AS A FIDUCIARY WITH ANY PLAN DURING OR  
FOR FIVE YEARS AFTER THE CONVICTION OR AFTER THE END OF  
THE IMPRISONMENT, WHICHEVER IS THE LATER. NO PERSON SHALL  
KNOWINGLY PERMIT ANY OTHER PERSON TO SERVE AS A FIDUCIARY  
IN VIOLATION OF THIS SECTION.

(B) ANY PERSON WHO INTENTIONALLY VIOLATES THIS  
SECTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR  
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

(C) FOR THE PURPOSES OF THIS SECTION:

~~(1) A PERSON SHALL BE DEEMED TO HAVE BEEN  
"CONVICTED" AND UNDER THE DISABILITY OF "CONVICTION" FROM  
THE DATE OF JUDGMENT OF THE TRIAL COURT OR THE DATE OF  
THE FINAL SUSTAINING OF JUDGMENT ON APPEAL, WHICHEVER IS  
THE LATER EVENT.~~

~~(2) THE TERM "CONSULTANT" MEANS ANY PERSON  
WHO, FOR COMPENSATION, ADVISES OR REPRESENTS A PLAN OR  
WHO PROVIDES OTHER ASSISTANCE TO A PLAN CONCERNING THE  
ESTABLISHMENT OR OPERATION OF A PLAN.~~

~~(3) (2) A PERIOD OF PAROLE SHALL NOT BE  
CONSIDERED AS PART OF A PERIOD OF IMPRISONMENT.~~