

UNITED STATES OR UNDER INVESTIGATION BY A CRIMINAL LAW ENFORCEMENT AGENCY MAY NOT BE REPRESENTED IN THOSE PROCEEDINGS BY THE ATTORNEY GENERAL OR BY COUNSEL APPOINTED OR PROVIDED BY THE ATTORNEY GENERAL. REIMBURSEMENT OF EXPENSES OF RETENTION OF COUNSEL IN CRIMINAL MATTERS MAY BE SOUGHT FROM THE STATE AS PERMITTED IN THIS SECTION.

(B) AN OFFICER OR EMPLOYEE OF THE STATE WHO RETAINS COUNSEL AND INCURS EXPENSES IN CONNECTION WITH A CRIMINAL INVESTIGATION OF HIS CONDUCT IN HIS STATE POSITION MAY APPLY TO THE BOARD OF PUBLIC WORKS FOR REIMBURSEMENT OF REASONABLE EXPENSES IF: (1) THE INVESTIGATION HAS CONCLUDED; AND (2) CRIMINAL CHARGES HAVE NOT BEEN FILED AGAINST THE OFFICER OR EMPLOYEE. REIMBURSEMENT OF REASONABLE EXPENSES MAY NOT BE APPROVED BY THE BOARD UNLESS THE ATTORNEY GENERAL CERTIFIES THAT: (1) THE OFFICER OR EMPLOYEE WHO WAS UNDER INVESTIGATION DID RETAIN COUNSEL AND PROMPTLY NOTIFIED THE ATTORNEY GENERAL IN WRITING OF THIS RETENTION OF COUNSEL; (2) THE ATTORNEY GENERAL IS SATISFIED AFTER A REVIEW OF ALL EVIDENCE AND INFORMATION THAT THE OFFICER OR EMPLOYEE DID NOT ENGAGE IN ANY UNLAWFUL CONDUCT AND DISCHARGED HIS PUBLIC RESPONSIBILITIES IN GOOD FAITH IN CONNECTION WITH THE MATTERS INVESTIGATED; AND (3) IT WAS REASONABLE FOR THE OFFICER OR EMPLOYEE TO RETAIN COUNSEL AND INCUR THE EXPENSES FOR WHICH REIMBURSEMENT IS SOUGHT.

(C) AN OFFICER OR EMPLOYEE OF THE STATE WHO IS CHARGED WITH A CRIMINAL OFFENSE RELATING TO HIS CONDUCT AS AN OFFICER OR EMPLOYEE MAY APPLY TO THE BOARD OF PUBLIC WORKS FOR REIMBURSEMENT OF REASONABLE EXPENSES INCURRED IN HIS DEFENSE AGAINST THOSE CHARGES IF ALL CHARGES HAVE BEEN FINALLY DISPOSED OF AND NONE RESULTED IN A PLEA OF NOLO CONTENDERE OR GUILTY, OR A FINDING OF GUILT. REIMBURSEMENT OF REASONABLE EXPENSES MAY NOT BE APPROVED BY THE BOARD UNLESS THE ATTORNEY GENERAL CERTIFIES THAT: (1) THE OFFICER OR EMPLOYEE WHO WAS UNDER INVESTIGATION OR CHARGED DID RETAIN COUNSEL AND PROMPTLY NOTIFIED THE ATTORNEY GENERAL IN WRITING OF THE RETENTION OF COUNSEL; (2) THE ATTORNEY GENERAL IS SATISFIED AFTER A REVIEW OF ALL EVIDENCE AND INFORMATION THAT THE OFFICIAL OR EMPLOYEE DISCHARGED HIS PUBLIC RESPONSIBILITIES IN GOOD FAITH IN CONNECTION WITH THE MATTERS WHICH WERE THE SUBJECT OF THE CHARGES; AND (3) THE EXPENSES FOR WHICH REIMBURSEMENT IS SOUGHT ARE REASONABLE.

(D) IF THE BOARD DETERMINES THAT AN APPLICANT'S FAILURE TO STRICTLY COMPLY WITH THE REQUIREMENT FOR NOTIFICATION OF THE ATTORNEY GENERAL WAS FOR GOOD CAUSE, THE BOARD MAY APPROVE REIMBURSEMENT OF REASONABLE EXPENSES.

(E) IF THE ATTORNEY GENERAL DETERMINES IN ANY CASE THAT IT WOULD BE INAPPROPRIATE FOR HIM TO MAKE A DETERMINATION REQUIRED BY SUBSECTIONS (B) OR (C), EITHER HE OR THE BOARD MAY DESIGNATE ANOTHER ATTORNEY TO DO SO.