#### THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

## S.B. NO. 1070

JAN 1 9 2007

### A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT BENEFITS.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended	
2	by adding a new section to be appropriately designated and to	
3	read as follows:	
4	" <u>\$88-</u> Public employees; forfeiture of benefits;	
5	conviction of felony. (a) If a public employee is convicted of	
6	a felony for conduct related to the public employee's duties,	
7	the public employee's benefits under this chapter shall be	
8	forfeited.	
9	(b) If the felony conviction that results in the	
10	forfeiture of a public employee's benefits pursuant to	
11	subsection (a) is overturned on appeal, the public employee	
12	shall receive back benefits and be returned to the benefits the	
13	public employee received prior to conviction.	
14	(c) For purposes of this section:	
15	(1) "Public employee" means any public employee of the	
16	State or any county, and the political subdivisions	
17	and agencies thereof, any civil service or elected	



# S.B. NO. 1010

1		employees or officers, and any probationary or
2		provisional employees of the State or county;
3	(2)	Employees covered by chapter 89 shall be entitled to a
4		grievance procedure culminating in a final and binding
5		decision; and
6	(3)	A rebuttable presumption shall arise that the criminal
7		conviction is just and proper cause for the employee's
8		forfeiture of benefits under this chapter."
9	SECT	ION 2. This Act does not affect rights and duties that
10	matured, ]	penalties that were incurred, and proceedings that were
11	begun, be	fore its effective date.
12	SECT	ION 3. New statutory material is underscored.
13	SECT	ION 4. This Act shall take effect upon its approval
14	subject h	owever to the ratification of a constitutional
15	amendment	to article XVI, section 2, of the constitution of the
16	State of 1	Hawaii that provides for the forfeiture of retirement
17	benefits	for a public employee convicted of a felony.
18		INTRODUCED BY: And By Request





#### Report Title:

Public Employees; Retirement

#### Description:

Provides for forfeiture of pension benefits for conviction of a felony.

