

JAN 17 2008

A BILL FOR AN ACT

PROPOSING A CONSTITUTIONAL AMENDMENT TO AUTHORIZE THE
LEGISLATURE TO REQUIRE THE FORFEITURE OR REDUCTION OF
PENSION BENEFITS OF AN EMPLOYEE OF THE STATE OR A POLITICAL
SUBDIVISION WHO IS CONVICTED OF A FELONY RELATED TO THE
EMPLOYEE'S EMPLOYMENT.

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

1 SECTION 1. The legislature finds that the State has no
2 policy mandating the forfeiture of pension benefits by a public
3 official or employee who has been convicted of a felony arising
4 out of the public official or public employee's employment. No
5 matter how serious the offense or how grossly a public official
6 or employee has abused their public office, the current laws
7 which govern pension plans for state and municipal employees
8 make no provision for forfeiture in cases of a felony
9 conviction. A state or municipal employee who otherwise meets
10 the age and length of service requirements for a pension is
11 entitled to collect pension benefits, even if the employee has
12 betrayed the public trust and has been convicted of a felony
13 related to that betrayal of trust.

14 The purpose of this measure is to amend article XVI,
15 section 2 of the Constitution of the State of Hawaii to
16 authorize the legislature to statutorily require the forfeiture



1 or reduction of benefits of any member of the employees'
2 retirement system who is convicted of a felony related to the
3 member's employment with the State or any political subdivision.

4 SECTION 2. Article 16, section 2, of the Constitution of
5 the State of Hawaii is amended to read as follows:

6 **"EMPLOYEES' RETIREMENT SYSTEM**

7 **Section 2.** Membership in any employees' retirement system
8 of the State or any political subdivision thereof shall be a
9 contractual relationship, the accrued benefits of which shall
10 not be diminished or impaired[-]; provided that the legislature,
11 by law, may require the forfeiture or reduction of benefits of
12 any member of the employees' retirement system who is convicted
13 of a felony related to the member's employment with the State or
14 any political subdivision."

15 SECTION 3. The question to be printed on the ballot shall
16 be as follows:

17 "Shall the legislature be authorized to statutorily require
18 the forfeiture or reduction of benefits of any member of
19 the employees' retirement system who is convicted of a
20 felony related to the member's employment with the State or
21 any political subdivision?"



1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

4 SECTION 5. This amendment shall take effect upon
5 compliance with article XVII, section 3, of the Constitution of
6 the State of Hawaii.

7

INTRODUCED BY:





Report Title:

Constitutional Amendment; Employees' Retirement System

Description:

Proposes a constitutional amendment to article XVI, section 2 of the State constitution to require the forfeiture or reduction of benefits of any member of the employees' retirement system who is convicted of a felony related to the member's employment with the State or any political subdivision.

