

JAN 22 2010

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVI, SECTION 2, OF THE HAWAII CONSTITUTION, TO AUTHORIZE THE LEGISLATURE TO REQUIRE THE FORFEITURE OR REDUCTION OF PENSION BENEFITS OF AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION THEREOF 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 the extent to which a public
6 official or employee has abused their public office and betrayed
7 the public trust, the current laws which govern pension plans
8 for state and municipal employees make no provision for
9 forfeiture in cases of a felony conviction.

10 The purpose of this Act is to amend article XVI, section 2
11 of the Constitution of the State of Hawaii to authorize the
12 legislature to statutorily require the forfeiture or reduction
13 of benefits of any member of the employees' retirement system
14 who is convicted of a felony related to the member's employment
15 with the State or any political subdivision thereof.



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

3 "EMPLOYEES' RETIREMENT SYSTEM

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

12 SECTION 3. The question to be printed on the ballot shall
13 be as follows:

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

19 SECTION 4. Constitutional material to be repealed is
20 bracketed and stricken. New constitutional material is
21 underscored.



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

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INTRODUCED BY:

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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 thereof.

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