

JAN 21 2011

S.B. NO. 74

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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVI, SECTION 2, OF THE HAWAII STATE CONSTITUTION, TO AUTHORIZE THE LEGISLATURE TO ALLOW THE JUDICIARY TO REDUCE 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 regarding the reduction of pension benefits of a public  
3 official or employee who has been convicted of a felony relating  
4 to 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 existing laws  
7 that govern pension plans for state and municipal employees make  
8 no provision for the reduction of these employees' pension  
9 benefits in cases of a felony conviction. A state or municipal  
10 employee who otherwise meets the age and length of service  
11 requirements for a pension is entitled to collect pension  
12 benefits, even if the employee has betrayed the public trust and  
13 has been convicted of a felony related to that betrayal of  
14 trust.

15       The purpose of this Act is to propose an amendment to  
16 article XVI, section 2 of the Constitution of the State of



1 Hawaii to authorize the legislature to allow the judiciary to  
2 reduce the pension benefits of any member of the employees'  
3 retirement system who is convicted of a felony related to the  
4 member's employment with the State or any political subdivision  
5 thereof.

6 SECTION 2. Article XVI, section 2, of the Constitution of  
7 the State of Hawaii is amended to read as follows:

8 **"EMPLOYEES' RETIREMENT SYSTEM**

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

17 SECTION 3. The question to be printed on the ballot shall  
18 be as follows:

19 "Shall the legislature authorize the judiciary to reduce  
20 the pension benefits of any member of the employees'  
21 retirement system who is convicted of a felony related to



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1 the member's employment with the State or any political  
2 subdivision thereof?"

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 Constitutional material to be repealed is  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

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

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INTRODUCED BY: \_\_\_\_\_



**Report Title:**

Constitutional Amendment; Employees' Retirement System;  
Judiciary

**Description:**

Proposes a constitutional amendment to article XVI, section 2 of the Hawaii State Constitution to authorize the legislature to allow the judiciary to reduce the pension 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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

