

JAN 21 2011

S.B. NO. 64

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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 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 that govern pension plans for  
8 state and municipal employees make no provision for forfeiture  
9 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 XVI, 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  
16 the employees' retirement system who is convicted of a  
17 felony related to the member's employment with the State or  
18 any 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:

A handwritten signature in black ink, appearing to read 'The Honorable', is written over a horizontal line.



**Report Title:**

Constitutional Amendment; Employees' Retirement System;  
Legislature

**Description:**

Proposes a constitutional amendment to article XVI, section 2, of the Hawaii 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.

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

