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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 A MEMBER, FORMER MEMBER, OR RETIRANT OF THE EMPLOYEES' RETIREMENT SYSTEM WHO IS CONVICTED OF A FELONY RELATED TO THE MEMBER'S, FORMER MEMBER'S, OR RETIRANT'S EMPLOYMENT WITH THE STATE OR ANY POLITICAL SUBDIVISION THEREOF.

**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 or reduction of pension benefits  
3 by a public official or employee who has been convicted of a  
4 felony arising out of the public official or public employee's  
5 employment. No matter how serious the offense or the extent to  
6 which a public official or employee has abused the official's or  
7 employee's public office and betrayed the public trust, the  
8 existing constitutional provision and laws that govern pension  
9 plans for state and county employees make no provision for  
10 forfeiture or reduction of benefits in cases of a felony  
11 conviction related to the public employment.

12           The purpose of this Act is to amend article XVI, section 2,  
13 of the Constitution of the State of Hawaii to authorize the  
14 legislature to require, by law, the forfeiture or reduction of



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

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

7 **"EMPLOYEES' RETIREMENT SYSTEM**

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

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

19 "Shall the legislature be authorized to require, by law, the  
20 forfeiture or reduction of benefits of any member, former  
21 member, or retirant of the employees' retirement system who



1 is convicted of a felony related to the member's, former  
2 member's, or retirant's employment with the State or any  
3 political subdivision thereof?"

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



**Report Title:**

Constitutional Amendment; Employees' Retirement System Benefits;  
Felony

**Description:**

Proposes a constitutional amendment to article XVI, section 2, of the state constitution to authorize the legislature to require the forfeiture or reduction of benefits of any member, former member, or retirant of the employees' retirement system who is convicted of a felony related to the member's, former member's, or retirant's employment with the State or any political subdivision thereof. (HD1)

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