
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's 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 the
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 enact laws to require the forfeiture or reduction



1 of 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 may enact laws to require the forfeiture or reduction of
13 benefits of any member, former member, or retirant of the
14 employees' retirement system who is convicted of a felony
15 related to the member's, former member's, or retirant's
16 employment with the 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 Hawaii State Constitution be amended to authorize
20 the legislature to enact laws that require the forfeiture or
21 reduction of benefits of any member, former member, or



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

5 SECTION 4. Constitutional material to be repealed is
6 bracketed and stricken. New constitutional material is
7 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 enact laws 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. (HD2)

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