

MAR 12 2021

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO PROPOSE
LEGISLATION THAT CRIMINALIZES ANY ACTS BY ELIGIBLE PUBLIC
OFFICIALS, INCLUDING LOCAL LAW ENFORCEMENT THAT VIOLATE
THEIR OATHS TO UPHOLD THE UNITED STATES CONSTITUTION AND
HAWAII STATE CONSTITUTION.

1 WHEREAS, article XVI, section 4, of the Hawaii State
2 Constitution requires eligible public officials to take an oath
3 to defend the Constitution of the United States and Constitution
4 of the State of Hawaii; and

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6 WHEREAS, eligible public officials required to take the
7 oath of office under article XVI, section 4, of the Hawaii State
8 Constitution are the Governor, Lieutenant Governor, members of
9 both houses of the Legislature, members of the Board of
10 Education, members of the national guard, state or county
11 employees who possess police powers, district court judges, and
12 all those whose appointment requires the consent of the Senate;
13 and

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15 WHEREAS, the oath states: I do solemnly swear (or affirm)
16 that I will support and defend the Constitution of the United
17 States, and the Constitution of the State of Hawaii, and that I
18 will faithfully discharge my duties as _____ to the best
19 of my ability; and

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21 WHEREAS, neither the Hawaii State Constitution nor the
22 Hawaii Revised Statutes provide specific penalties for an
23 eligible public official's violation of their oath to defend the
24 United States Constitution or Hawaii State Constitution; now,
25 therefore,

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27 BE IT RESOLVED by the Senate of the Thirty-first
28 Legislature of the State of Hawaii, Regular Session of 2021,
29 that the Department of the Attorney General is requested to
30 propose legislation that would create law criminalizing acts by
31 eligible public officials, including local law enforcement that
32 violate their oath to uphold the United States Constitution and
33 Hawaii State Constitution; and



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2 BE IT FURTHER RESOLVED that any proposed legislation is
3 requested to include, as a penalty for conviction, the loss of
4 any benefits to which the public official or local law
5 enforcement may be entitled to receive as a result of their
6 employment; and

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8 BE IT FURTHER RESOLVED that the Department of the Attorney
9 General is requested to submit the proposed legislation to the
10 Legislature no later than twenty days prior to the convening of
11 the Regular Session of 2022; and

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13 BE IT FURTHER RESOLVED that a certified copy of this
14 Resolution be transmitted to the Attorney General.

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OFFERED BY:

Michelle A. Kelani

