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## A BILL FOR AN ACT

RELATING TO PUBLIC OFFICE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is help ensure the  
2 ethical integrity of state government by prohibiting persons  
3 convicted of certain felony offenses against public  
4 administration from becoming a candidate for or holding public  
5 office for a sufficient duration after the person's final  
6 discharge.

7           SECTION 2. Section 831-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§831-2 Rights lost.** (a) A person sentenced for a  
10 felony, from the time of the person's sentence until the  
11 person's final discharge, [~~may~~] shall not:

12           (1) Vote in an election[~~, but~~]; provided that if the  
13 defendant is placed on probation or [~~the defendant is~~]  
14 paroled after commitment to imprisonment, the  
15 defendant may vote during the period of the probation  
16 or parole; or

17           (2) Become a candidate for or hold public office.



1 (b) A public office held at the time of conviction is  
2 forfeited as of the date of the conviction, if the conviction is  
3 in this State, or, if the conviction is in another state or in a  
4 federal court, as of the date a certification of the conviction  
5 from the trial court is filed in the office of the lieutenant  
6 governor who shall receive and file it as a public document. An  
7 appeal or other proceeding taken to set aside or otherwise  
8 nullify the conviction or sentence [~~does~~] shall not affect the  
9 application of this section.

10 (c) A person sentenced for the following felony offenses  
11 against public administration under chapter 710 shall not become  
12 a candidate for or hold public office for twenty years from the  
13 date of the person's final discharge:

14 (1) Impersonating a law enforcement officer in the first  
15 degree (section 710-1016.6);

16 (2) Hindering prosecution in the first degree (section  
17 710-1029);

18 (3) Bribery (section 710-1040);

19 (4) Perjury (section 710-1060);

20 (5) Misrepresenting a notarized document in the first  
21 degree (section 710-1069);



- 1        (6) Bribery of or by a witness (section 710-1070);
- 2        (7) Intimidating a witness (section 710-1071);
- 3        (8) Obstruction of justice (section 710-1072.5);
- 4        (9) Bribery of or by a juror (section 710-1073);
- 5        (10) Intimidating a juror (section 710-1074);
- 6        (11) Jury tampering (section 710-1075); or
- 7        (12) Retaliating against a juror (section 710-1075.5).
- 8        (d) Subsections (a), (b), and (c) and any other laws to
- 9 the contrary notwithstanding, any person convicted of any act,
- 10 attempt, or conspiracy to overthrow the state or federal
- 11 government by force or violence shall not hold any public office
- 12 or employment.
- 13        (e) For purposes of this section:
- 14        "Public office" means an office held by an elected
- 15 official, department [~~heads, officers, and members~~] head,
- 16 officer, or member of any board, commission, or other state
- 17 agency whose [~~appointments are~~] appointment is made by the
- 18 governor, chief justice, office of Hawaiian affairs, or [~~the~~]
- 19 judicial selection commission, or [~~are~~] is required by law to be
- 20 confirmed by the senate.



1 "Time of conviction" means the day upon which the person  
2 was found guilty of the charges by the trier of fact or  
3 determined to be guilty by the court.

4 [~~(c) Subsections (a) and (b) of this section and any other~~  
5 ~~laws to the contrary notwithstanding, any person convicted of~~  
6 ~~any act, attempt, or conspiracy to overthrow the state or the~~  
7 ~~federal government by force or violence shall not hold any~~  
8 ~~public office or employment.]"~~

9 SECTION 3. Section 831-3.1, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) A person shall not be disqualified from public office  
12 or employment by the State or any of its branches, political  
13 subdivisions, or agencies except under section [~~831-2(e),~~  
14 831-2(d)], or be disqualified to practice, pursue, or engage in  
15 any occupation, trade, vocation, profession, or business for  
16 which a permit, license, registration, or certificate is  
17 required by the State or any of its branches, political  
18 subdivisions, or agencies, solely by reason of a prior  
19 conviction of a crime; provided that:





# H.B. NO. 799

**Report Title:**

Rights Lost; Public Office; Offenses Against Public Administration

**Description:**

Prohibits persons convicted of certain felony offenses against public administration from becoming a candidate for or holding public office for a sufficient duration after the person's final discharge.

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

