

---

---

# 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 to 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 ten 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:



- 1           (1) With respect to liquor licenses, a person who has been  
2           convicted of a felony may be denied a liquor license  
3           by the liquor commission; and
- 4           (2) A person who within the past ten years, excluding any  
5           period of incarceration, has been convicted of a crime  
6           that bears a rational relationship to the duties and  
7           responsibilities of a job, occupation, trade,  
8           vocation, profession, or business may be denied  
9           employment, a permit, license, registration, or  
10          certificate. Nothing in this subsection shall  
11          abrogate any applicable appeal rights under chapters  
12          76 or 89."

13          SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15          SECTION 5. This Act shall take effect upon its approval.



**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 ten years after the person's final discharge.  
(SD1)

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

