

JAN 23 2008

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO EXTEND THE
MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES FROM
SEVENTY TO EIGHTY YEARS OF AGE.

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

1 SECTION 1. The legislature finds that in today's society,
2 individuals are living longer, healthier lives, as evidenced by
3 the growing number of older individuals throughout the United
4 States and the world. The legislature further finds that a
5 benefit of our aging society is the wisdom, experience, and
6 skills that these older individuals possess, which should be
7 both valued and respected, particularly in the workforce.

8 The legislature determines that the age restriction placed
9 upon Hawaii's justices and judges, who are highly educated
10 individuals who have served as learned members of the bar and
11 now the bench, should be reconsidered. The wealth of knowledge
12 and experience in interpreting Hawaii's laws that is retained by
13 these individuals is invaluable to the residents of Hawaii.

14 The purpose of this Act is to propose an amendment to
15 article VI, section 3, of the Constitution of the State of



1 Hawaii to extend the mandatory retirement age for all state
2 court justices and judges from seventy to eighty years of age.

3 SECTION 2. Article VI, section 3, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 **"APPOINTMENT OF JUSTICES AND JUDGES**

6 **Section 3.** The governor, with the consent of the senate,
7 shall fill a vacancy in the office of the chief justice, supreme
8 court, intermediate appellate court and circuit courts, by
9 appointing a person from a list of not less than four, and not
10 more than six, nominees for the vacancy, presented to the
11 governor by the judicial selection commission.

12 If the governor fails to make any appointment within thirty
13 days of presentation, or within ten days of the senate's
14 rejection of any previous appointment, the appointment shall be
15 made by the judicial selection commission from the list with the
16 consent of the senate. If the senate fails to reject any
17 appointment within thirty days thereof, it shall be deemed to
18 have given its consent to [~~such~~] the appointment. If the senate
19 [~~shall reject~~] rejects any appointment, the governor shall make
20 another appointment from the list within ten days thereof. The
21 same appointment and consent procedure shall be followed until a
22 valid appointment has been made, or failing this, the commission



1 shall make the appointment from the list, without senate
2 consent.

3 The chief justice, with the consent of the senate, shall
4 fill a vacancy in the district courts by appointing a person
5 from a list of not less than six nominees for the vacancy
6 presented by the judicial selection commission. If the chief
7 justice fails to make the appointment within thirty days of
8 presentation, or within ten days of the senate's rejection of
9 any previous appointment, the appointment shall be made by the
10 judicial selection commission from the list with the consent of
11 the senate. The senate shall hold a public hearing and vote on
12 each appointment within thirty days of any appointment. If the
13 senate fails to do so, the nomination shall be returned to the
14 commission and the commission shall make the appointment from
15 the list without senate consent. The chief justice shall
16 appoint per diem district court judges as provided by law.

17 **QUALIFICATIONS FOR APPOINTMENT**

18 Justices and judges shall be residents and citizens of the
19 State and of the United States, and licensed to practice law by
20 the supreme court. A justice of the supreme court, a judge of
21 the intermediate appellate court and a judge of the circuit
22 court shall have been so licensed for a period of not less than



1 ten years preceding nomination. A judge of the district court
2 shall have been so licensed for a period of not less than five
3 years preceding nomination.

4 No justice or judge shall, during the term of office,
5 engage in the practice of law, or run for or hold any other
6 office or position of profit under the United States, the State
7 or its political subdivisions.

8 **TENURE; RETIREMENT**

9 The term of office of justices and judges of the supreme
10 court, intermediate appellate court and circuit courts shall be
11 ten years. Judges of district courts shall hold office for the
12 periods as provided by law. At least six months prior to the
13 expiration of a justice's or judge's term of office, every
14 justice and judge shall petition the judicial selection
15 commission to be retained in office or shall inform the
16 commission of an intention to retire. If the judicial selection
17 commission determines that the justice or judge should be
18 retained in office, the commission shall renew the term of
19 office of the justice or judge for the period provided by this
20 section or by law.



1 Justices and judges shall be retired upon attaining the age
2 of [~~seventy~~] eighty years. They shall be included in any
3 retirement law of the State."

4 SECTION 3. The question to be printed on the ballot shall
5 be as follows:

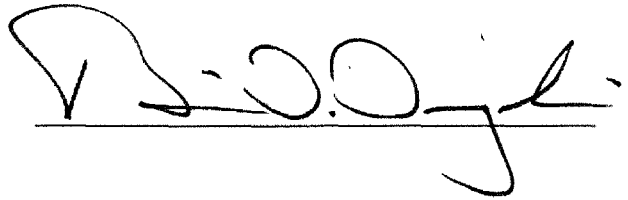
6 "Shall the mandatory retirement age for all state court
7 justices and judges be extended from seventy to eighty years
8 of age?"

9 SECTION 4. Constitutional material to be repealed is
10 bracketed and stricken. New constitutional material is
11 underscored.

12 SECTION 5. This amendment shall take effect upon
13 compliance with article XVII, section 3, of the Constitution of
14 the State of Hawaii.

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INTRODUCED BY:



Report Title:

Judges; Mandatory Retirement Age; Constitutional Amendment

Description:

Proposes a constitutional amendment to change the mandatory retirement age of justices and judges from 70 to 80 years of age.

