

JAN 20 2012

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII STATE CONSTITUTION TO LOWER THE NUMBER OF NOMINEES PRESENTED BY THE JUDICIAL SELECTION COMMISSION TO FILL STATE COURT JUDICIAL VACANCIES.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article VI, section 3, of the Constitution of the
3 State of Hawaii to lower the number of nominees presented by the
4 judicial selection commission to fill state court judicial
5 vacancies.

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

8 **"APPOINTMENT OF JUSTICES AND JUDGES**

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

15 If the governor fails to make any appointment within thirty
16 days of presentation, or within ten days of the senate's



1 rejection of any previous appointment, the appointment shall be
2 made by the judicial selection commission from the list with the
3 consent of the senate. If the senate fails to reject any
4 appointment within thirty days thereof, it shall be deemed to
5 have given its consent to such appointment. If the senate shall
6 reject any appointment, the governor shall make another
7 appointment from the list within ten days thereof. The same
8 appointment and consent procedure shall be followed until a
9 valid appointment has been made, or failing this, the commission
10 shall make the appointment from the list, without senate
11 consent.

12 The chief justice, with the consent of the senate, shall
13 fill a vacancy in the district courts by appointing a person
14 from a list of [~~not less than six~~] three nominees for the
15 vacancy presented by the judicial selection commission. If the
16 chief justice fails to make the appointment within thirty days
17 of presentation, or within ten days of the senate's rejection of
18 any previous appointment, the appointment shall be made by the
19 judicial selection commission from the list with the consent of
20 the senate. The senate shall hold a public hearing and vote on
21 each appointment within thirty days of any appointment. If the
22 senate fails to do so, the nomination shall be returned to the



1 commission and the commission shall make the appointment from
2 the list without senate consent. The chief justice shall
3 appoint per diem district court judges as provided by law.

4 **QUALIFICATIONS FOR APPOINTMENT**

5 Justices and judges shall be residents and citizens of the
6 State and of the United States, and licensed to practice law by
7 the supreme court. A justice of the supreme court, a judge of
8 the intermediate appellate court and a judge of the circuit
9 court shall have been so licensed for a period of not less than
10 ten years preceding nomination. A judge of the district court
11 shall have been so licensed for a period of not less than five
12 years preceding nomination.

13 No justice or judge shall, during the term of office,
14 engage in the practice of law, or run for or hold any other
15 office or position of profit under the United States, the State
16 or its political subdivisions.

17 **TENURE; RETIREMENT**

18 The term of office of justices and judges of the supreme
19 court, intermediate appellate court and circuit courts shall be
20 ten years. Judges of district courts shall hold office for the
21 periods as provided by law. At least six months prior to the
22 expiration of a justice's or judge's term of office, every



1 justice and judge shall petition the judicial selection
2 commission to be retained in office or shall inform the
3 commission of an intention to retire. If the judicial selection
4 commission determines that the justice or judge should be
5 retained in office, the commission shall renew the term of
6 office of the justice or judge for the period provided by this
7 section or by law.

8 Justices and judges shall be retired upon attaining the age
9 of seventy years. They shall be included in any retirement law
10 of the State."

11 SECTION 3. The question to be printed on the ballot shall
12 be as follows:

13 "Shall the number of nominees to fill state court judicial
14 vacancies that is presented by the judicial selection
15 commission be lowered to three nominees?"

16 SECTION 4. Constitutional material to be repealed is
17 bracketed and stricken. New constitutional material is
18 underscored.

19

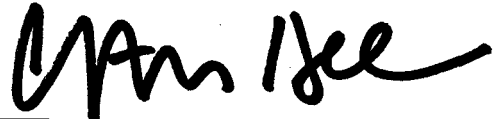


S.B. NO. 2205

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

4

INTRODUCED BY:





S.B. NO. 2205

Report Title:

Judicial Selection Commission; Judicial Nominees; Constitutional Amendment

Description:

Proposes a constitutional amendment to lower the number of nominees presented by the judicial selection commission to fill state court judicial vacancies.

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

