A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE FOR JUSTICES AND JUDGES.

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

SECTION 1. The legislature finds that the Hawaii State Constitution imposes a mandatory retirement age of seventy years for justices and judges. Officials in the other two branches of state government are not similarly subject to mandatory retirement. Furthermore, federal judges are also not subject to mandatory retirement. Life expectancies have increased since the inception of the mandatory retirement provision and many people work well beyond the age of seventy as productive, contributing members of society. The mandatory retirement age of seventy is an artificial restriction that could negatively affect the public interest by prematurely removing from office judges who possess years of knowledge and experience; therefore, the mandatory retirement age should be increased.

The purpose of this Act is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii.
Hawaii to increase the mandatory retirement age for justices and judges from seventy to eighty years.

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

"APPOINTMENT OF JUSTICES AND JUDGES

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

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to such appointment. If the senate shall reject any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a
valid appointment has been made, or failing this, the commission
shall make the appointment from the list, without senate
consent.

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

The judicial selection commission shall disclose to the
public the list of nominees for each vacancy concurrently with
the presentation of each list to the governor or the chief
justice, as applicable.
QUALIFICATIONS FOR APPOINTMENT

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

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

TENURE; RETIREMENT

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

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

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

"Shall the mandatory retirement age for justices and judges
be increased from seventy years to eighty years?"

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

SECTION 5. This amendment shall take effect upon
compliance with article XVII, section 3, of the Constitution of
the State of Hawaii.
Report Title:
Retirement Age of Justices and Judges; Constitutional Amendment

Description:
Proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy years to eighty years.

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