A BILL FOR AN ACT

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

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

SECTION 1. The purpose of this Act is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii to remove the mandatory retirement age for justices and judges.

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 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 of seventy years for justices and judges be eliminated?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken.
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 remove the mandatory retirement age of seventy years for justices and judges.

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