

JAN 18 2019

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# 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:**

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 remove the mandatory retirement age for  
4 justices and judges.

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

7                           **"APPOINTMENT OF JUSTICES AND JUDGES**

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

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



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

11 The chief justice, with the consent of the senate, shall  
12 fill a vacancy in the district courts by appointing a person  
13 from a list of not less than six nominees for the vacancy  
14 presented by the judicial selection commission. If the chief  
15 justice fails to make the appointment within thirty days of  
16 presentation, or within ten days of the senate's rejection of  
17 any previous appointment, the appointment shall be made by the  
18 judicial selection commission from the list with the consent of  
19 the senate. The senate shall hold a public hearing and vote on  
20 each appointment within thirty days of any appointment. If the  
21 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 The judicial selection commission shall disclose to the  
5 public the list of nominees for each vacancy concurrently with  
6 the presentation of each list to the governor or the chief  
7 justice, as applicable.

#### 8 **QUALIFICATIONS FOR APPOINTMENT**

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

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

#### 21 **TENURE; RETIREMENT**



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

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

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

18           "Shall the mandatory retirement age of seventy years for  
19 justices and judges be eliminated?"

20           SECTION 4. Constitutional material to be repealed is  
21 bracketed and stricken.



# S.B. NO. 679

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:

*Handwritten signatures:*  
 [Large stylized signature]  
 [Signature with initials D.P.]  
 [Signature with initials D.K.]

*Handwritten signature:*  
Mahealani K. Inoué

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# S.B. NO. 679

**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.*

