
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII
CONSTITUTION TO PLACE PROCEDURAL RESTRICTIONS ON THE TIMING
OF JUDICIAL APPOINTMENTS AND CONFIRMATIONS.

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 allow justices and judges to be appointed and
4 confirmed only during specified time periods.

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[7] by
11 appointing a person from a list of [~~not~~] no less than four[7] ~~and~~
12 ~~not~~] but no more than six[7] nominees for the vacancy[7]
13 presented to the governor by the judicial selection
14 commission[7]; provided that the judicial selection commission
15 shall not present a list of nominees to the governor between
16 August 1 and November 30.



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

15 The chief justice, with the consent of the senate, shall
16 fill a vacancy in the district courts by appointing a person
17 from a list of [~~not~~] no less than six nominees for the vacancy
18 presented to the chief justice by the judicial selection
19 commission[~~er~~]; provided that the judicial selection commission
20 shall not present a list of nominees to the chief justice
21 between August 1 and November 30. If the chief justice fails to



1 make [the] any appointment within thirty days of presentation,
2 or within ten days of the senate's rejection of any previous
3 appointment, the appointment shall be made by the judicial
4 selection commission from the list with the consent of the
5 senate. The senate shall hold a public hearing and vote on each
6 appointment within thirty days of any appointment. If the
7 senate fails to do so, the nomination shall be returned to the
8 commission and the judicial selection commission shall make the
9 appointment from the list without senate consent. The chief
10 justice shall appoint per diem district court judges as provided
11 by law.

12 The judicial selection commission shall disclose to the
13 public the list of nominees for each vacancy concurrently with
14 the presentation of each list to the governor or the chief
15 justice, as applicable.

16 **QUALIFICATIONS FOR APPOINTMENT**

17 Justices and judges shall be residents and citizens of the
18 State and of the United States, and licensed to practice law by
19 the supreme court. A justice of the supreme court, [a] judge of
20 the intermediate appellate court and [a] judge of the circuit
21 court shall have been so licensed for a period of [~~not~~] no less



1 than ten years preceding nomination. A judge of the district
2 court shall have been so licensed for a period of [~~not~~] no less
3 than five 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~~]
13 before the expiration of a justice's or judge's term of office,
14 every 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 years. They shall be included in any retirement law
3 of the State."

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

6 "Shall the Constitution of the State of Hawaii be
7 amended to prohibit the Judicial Selection Commission from
8 presenting a list of judicial nominees to the Governor or
9 Chief Justice between August 1 and November 30 of every
10 year?"

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

14 SECTION 5. This Act shall take effect on July 1, 3000;
15 provided that this amendment shall take effect upon compliance
16 with article XVII, section 3, of the Constitution of the State
17 of Hawaii.



Report Title:

Justices and Judges; Appointment; Constitutional Amendment

Description:

Proposes an amendment to the Hawaii State Constitution to prohibit the Judicial Selection Commission from presenting a list of judicial nominees to the Governor or Chief Justice between August 1 and November 30. Effective 7/1/3000. (HD1)

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

