
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII
CONSTITUTION TO MAKE THE SENATE CONFIRMATION PROCESS FOR
JUDICIAL APPOINTMENTS MORE UNIFORM.

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

1 SECTION 1. Article VI, section 3, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 **"APPOINTMENT OF JUSTICES AND JUDGES**

4 **Section 3.** The governor, with the consent of the senate,
5 shall fill a vacancy in the office of the chief justice, supreme
6 court, intermediate appellate court and circuit courts[~~7~~] by
7 appointing a person from a list of [~~not~~] no less than four[~~7~~ and
8 ~~not~~] but no more than six[~~7~~] nominees for the vacancy[~~7~~
9 presented to the governor by the judicial selection commission.

10 If the governor fails to make any appointment within thirty
11 days of presentation, or within ten days of the senate's
12 rejection of any previous appointment, the appointment shall be
13 made by the judicial selection commission from the list with the
14 consent of the senate. If the senate fails to reject any
15 appointment within thirty days thereof, [~~it~~] the senate shall be
16 deemed to have [~~given its consent~~] consented to [~~such~~] that



1 appointment. If the senate [~~shall reject~~] rejects any
2 appointment, the governor shall make another appointment from
3 the list within ten days thereof. The same appointment and
4 consent procedure shall be followed until a valid appointment
5 has been made, or failing this, the judicial selection
6 commission shall make the appointment from the list, without
7 senate consent.

8 The chief justice, with the consent of the senate, shall
9 fill a vacancy in the district courts by appointing a person
10 from a list of [~~not~~] no less than four but no more than six
11 nominees for the vacancy presented to the chief justice by the
12 judicial selection commission. If the chief justice fails to
13 make [~~the~~] any appointment within thirty days of presentation,
14 or within ten days of the senate's rejection of any previous
15 appointment, the appointment shall be made by the judicial
16 selection commission from the list with the consent of the
17 senate. [~~The senate shall hold a public hearing and vote on~~
18 ~~each appointment within thirty days of any appointment.~~] If the
19 senate fails to [~~do so, the nomination shall be returned to the~~
20 ~~commission and the commission shall make the appointment from~~
21 ~~the list without senate consent.~~] reject any appointment within



1 thirty days thereof, the senate shall be deemed to have
2 consented to that appointment. If the senate rejects any
3 appointment, the chief justice shall make another appointment
4 from the list within ten days thereof. The same appointment and
5 consent procedure shall be followed until a valid appointment
6 has been made, or failing this, the judicial selection
7 commission shall make the appointment from the list, without
8 senate consent. The chief justice shall appoint per diem
9 district court judges as provided by law.

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

14 QUALIFICATIONS FOR APPOINTMENT

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



1 court shall have been so licensed for a period of [~~not~~] no less
2 than five years preceding nomination.

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

7 **TENURE; RETIREMENT**

8 The term of office of justices and judges of the supreme
9 court, intermediate appellate court and circuit courts shall be
10 ten years. Judges of district courts shall hold office for the
11 periods as provided by law. At least six months [~~prior to~~]
12 before the expiration of a justice's or judge's term of office,
13 every justice and judge shall petition the judicial selection
14 commission to be retained in office or shall inform the
15 commission of an intention to retire. If the judicial selection
16 commission determines that the justice or judge should be
17 retained in office, the commission shall renew the term of
18 office of the justice or judge for the period provided by this
19 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 2. 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 make the appointment and confirmation process
8 for district court judges the same as the appointment and
9 confirmation process for supreme court justices and
10 intermediate court of appeals and circuit court judges,
11 which would require:

12 (1) The Judicial Selection Commission to present the Chief
13 Justice with a list of no less than four but no more
14 than six nominees for a vacancy;

15 (2) A district court appointee to be automatically
16 considered appointed if the Senate fails to reject the
17 appointment within thirty days of receiving the
18 appointment notice;

19 (3) The Chief Justice to make another appointment from the
20 list of district court nominees within ten days if the
21 Senate rejects an appointment; and



1 (4) The appointment and consent procedure to be followed
2 until a valid appointment is made, or failing this,
3 the Judicial Selection Commission to make the
4 appointment from the list of nominees, without Senate
5 consent?"

6 SECTION 3. Constitutional material to be repealed is
7 bracketed and stricken. New constitutional material is
8 underscored.

9 SECTION 4. This Act shall take effect on July 1, 3000;
10 provided that this amendment shall take effect upon compliance
11 with article XVII, section 3, of the Constitution of the State
12 of Hawaii.



Report Title:

Justices and Judges; Appointment; Confirmation; Constitutional Amendment

Description:

Proposes amendments to the Constitution of the State of Hawaii relating to the appointment of justices and judges. Makes the appointment and senate consent procedure for district court judges the same as the appointment and senate consent procedure for supreme court justices and intermediate court of appeals and circuit court judges. 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.

