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# 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 STATE 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 Hawaii State  
3 Constitution to increase the mandatory retirement age for  
4 justices and judges to the age of seventy-five years.

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[~~7~~] and not  
12 more than six nominees for the vacancy presented to the governor  
13 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, the senate shall be  
4 deemed to have consented to that appointment. If the senate  
5 rejects 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 judicial  
9 selection commission shall make the appointment from the list,  
10 without senate 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 four and not more than six nominees  
14 for the vacancy presented to the chief justice by the judicial  
15 selection commission. If the chief justice fails to make any  
16 appointment within thirty days of presentation, or within ten  
17 days of the senate's rejection of any previous appointment, the  
18 appointment shall be made by the judicial selection commission  
19 from the list with the consent of the senate. If the senate  
20 fails to reject any appointment within thirty days thereof, the  
21 senate shall be deemed to have consented to that appointment.



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

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

#### 12 **QUALIFICATIONS FOR APPOINTMENT**

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



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

5 **TENURE; RETIREMENT**

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

18 Justices and judges shall be retired upon attaining the age  
19 of [~~seventy~~] seventy-five years. They shall be included in any  
20 retirement law of the State."



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

3 "Shall the Hawaii State Constitution be amended to increase  
4 the mandatory retirement age for all state court justices  
5 and judges from seventy to seventy-five years of age?"

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

9 SECTION 5. This amendment shall take effect upon  
10 compliance with article XVII, section 3, of the Constitution of  
11 the State of Hawaii.



**Report Title:**

Constitutional Amendment; Judges; Mandatory Retirement Age

**Description:**

Proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age. (HD1)

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

