

JAN 25 2006

S.B. NO. 2797

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# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING  
TO 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 raise the mandatory retirement age of judges  
4 from seventy to eighty 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, 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  
17 made by the judicial selection commission from the list with the



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

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



1 the list without senate consent. The chief justice shall appoint  
2 per diem district court judges as provided by law.

3 **QUALIFICATIONS FOR APPOINTMENT**

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

12 No justice or judge shall, during the term of office,  
13 engage in the practice of law, or run for or hold any other  
14 office or position of profit under the United States, the State  
15 or its political subdivisions.

16 **TENURE; COMPENSATION; RETIREMENT**

17 The term of office of justices and judges of the supreme  
18 court, intermediate appellate court and circuit courts shall be  
19 ten years. Judges of district courts shall hold office for the  
20 periods as provided by law. At least six months prior to the  
21 expiration of a justice's or judge's term of office, every  
22 justice and judge shall petition the judicial selection



1 commission to be retained in office or shall inform the  
2 commission of an intention to retire. If the judicial selection  
3 commission determines that the justice or judge should be  
4 retained in office, the commission shall renew the term of  
5 office of such justice or judge for the period provided by this  
6 section or by law.

7       There shall be a salary commission to review and recommend  
8 salaries for justices and judges of all state courts. Justices  
9 and judges shall have salaries as provided by law. Their  
10 compensation shall not be decreased during their respective  
11 terms of office, unless by general law applying to all salaried  
12 officers of the State. They shall be retired upon attaining the  
13 age of [~~seventy~~] eighty years. They shall be included in any  
14 retirement law of the State."

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

17       "Shall the mandatory retirement age for justices and judges  
18 be raised from seventy years to eighty years?"

19       SECTION 4. Constitutional material to be repealed is  
20 bracketed and stricken. New constitutional material is  
21 underscored.



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.  
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**Report Title:**

Judges; Mandatory Retirement Age

**Description:**

Proposes an amendment to the state constitution raising the mandatory retirement age for judges from 70 to 80.

