
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII
CONSTITUTION TO EXTEND THE MANDATORY RETIREMENT AGE BY TWO
YEARS FOR STATE JUSTICES AND JUDGES.

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

1 SECTION 1. The legislature finds that in today's society,
2 individuals are living longer, healthier lives, as evidenced by
3 the growing number of older individuals throughout the country
4 as well as the world. The legislature further finds that a
5 benefit of our aging society is the wisdom, experience, and
6 skills that these older individuals possess which should be both
7 valued and respected, particularly in the workforce.

8 SECTION 2. The purpose of this Act is to propose an
9 amendment to article VI, section 3, of the Hawaii Constitution
10 to extend the mandatory retirement age of seventy to seventy-two
11 for all state court justices and judges.

12 SECTION 3. Article VI, section 3, of the Hawaii
13 Constitution is amended to read as follows:

14 **"APPOINTMENT OF JUSTICES AND JUDGES**

15 **Section 3.** The governor, with the consent of the senate,
16 shall fill a vacancy in the office of the chief justice, supreme
17 court, intermediate appellate court and circuit courts, by



1 appointing a person from a list of [~~not less~~] no fewer than
2 four, and not more than six, nominees for the vacancy, presented
3 to the governor by the judicial selection commission.

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

17 The chief justice, with the consent of the senate, shall
18 fill a vacancy in the district courts by appointing a person
19 from a list of [~~not less~~] no fewer than six nominees for the
20 vacancy presented by the judicial selection commission. If the
21 chief justice fails to make the appointment within thirty days
22 of presentation, or within ten days of the senate's rejection of



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

9 **QUALIFICATIONS FOR APPOINTMENT**

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

18 No justice or judge shall, during the term of office,
19 engage in the practice of law, or run for or hold any other
20 office or position of profit under the United States [7] or the
21 State or its political subdivisions.



1 SECTION 5. Constitutional material to be repealed is
 2 bracketed and stricken. New constitutional material is
 3 underscored.

4 SECTION 6. This amendment shall take effect upon
 5 compliance with article XVII, section 3, of the Hawaii
 6 Constitution.

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INTRODUCED BY: Tony Watts
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Report Title:

Judges; Mandatory Retirement Age (ConAm)

Description:

Proposes a constitutional amendment to extend the mandatory retirement age of 70 for state justices and judges to 72.

