

STAND. COM. REP. NO.

2561

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 3202

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3202 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII
CONSTITUTION TO EXTEND THE MANDATORY RETIREMENT AGE FOR STATE
JUSTICES AND JUDGES FROM SEVENTY TO EIGHTY YEARS OF AGE,"

begs leave to report as follows:

The purpose of this measure is to amend the State
constitution to extend the mandatory retirement age for all state
judges and justices.

Specifically, this measure would amend article VI, section 3,
of the Constitution of the State of Hawaii, to require the
retirement of justices and judges at eighty years of age instead
of seventy years of age.

Testimony in support of this measure was received from the
Hawaii Government Employees Association, the Japanese American
Citizens League of Hawaii, and one concerned individual.
Testimony in opposition was received from the Department of the
Attorney General and the Department of the Prosecuting Attorney of
the City and County of Honolulu. The Judicial Selection
Commission testified with concerns.

Your Committee finds that the age seventy, in and of itself,
is not an accurate indicator of one's ability to effectively carry
out the duties of a state judge or justice. The current mandatory
retirement age of seventy years old may prevent the State from
benefitting from the knowledge and experience of otherwise

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qualified jurists. Furthermore, the mandatory requirement of state justices and judges upon reaching the age of seventy is the only provision in the state constitution that requires the retirement of a state employee at a specified age.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3202 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



BRIAN T. TANIGUCHI, Chair



