
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO CLARIFY
RETIREMENT REQUIREMENTS FOR JUSTICES AND JUDGES IN STATE
COURTS.

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 allow justices and judges who attain the age
4 of seventy while serving a term of office to complete the term
5 prior to retirement.

6 SECTION 2. Article 6, section 3, of the Constitution of
7 the State of Hawaii is amended to read as follows:

8 **"APPOINTMENT OF JUSTICES AND JUDGES**

9 **Section 3.** The governor, with the consent of the senate,
10 shall fill a vacancy in the office of the chief justice, supreme
11 court, intermediate appellate court and circuit courts, by
12 appointing a person from a list of not less than four, and not
13 more than six, nominees for the vacancy, presented to the
14 governor by the judicial selection commission.

15 If the governor fails to make any appointment within thirty
16 days of presentation, or within ten days of the senate's
17 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, it shall be deemed to
4 have given its consent to such appointment. If the senate shall
5 reject 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 commission
9 shall make the appointment from the list, without senate
10 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 six nominees for the vacancy
14 presented by the judicial selection commission. If the chief
15 justice fails to make the appointment within thirty days of
16 presentation, or within ten days of the senate's rejection of
17 any previous appointment, the appointment shall be made by the
18 judicial selection commission from the list with the consent of
19 the senate. The senate shall hold a public hearing and vote on
20 each appointment within thirty days of any appointment. If the
21 senate fails to do so, the nomination shall be returned to the
22 commission and the commission shall make the appointment from



1 the list without senate consent. The chief justice shall
2 appoint 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; 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 the justice or judge for the period provided by this
6 section or by law.

7 Justices and judges shall be retired upon attaining the age
8 of seventy years[-]; provided that justices and judges attaining
9 the age of seventy years during a term in office may complete
10 their term prior to retirement. They shall be included in any
11 retirement law of the State."

12 SECTION 3. The question to be printed on the ballot shall
13 be as follows:

14 "Shall justices and judges be allowed to complete their term
15 of office if they attain the age of seventy during that
16 term?"

17 SECTION 4. Constitutional material to be repealed is
18 bracketed and stricken. New constitutional material is
19 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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INTRODUCED BY:

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JAN 23 2009



Report Title:

Constitutional Amendment; Judges; Completion of Terms

Description:

Proposes a constitutional amendment to allow justices and judges who attain the age of 70 during their term of office to complete their term prior to retirement.

