
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE
CONSTITUTION OF THE STATE OF HAWAII AUTHORIZING THE CHIEF
JUSTICE OF THE STATE SUPREME COURT TO APPOINT RETIRED
JUDGES TO SERVE AS EMERITUS 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 authorize the chief justice of the supreme
4 court to appoint judges and justices who have retired as
5 emeritus judges, permitting them to serve as temporary judges in
6 courts no higher than the court level they reached prior to
7 retirement and for terms not to exceed three months.

8 SECTION 2. Article VI, section 3, of the Constitution of
9 the State of Hawaii is amended to read as follows:

10 **"APPOINTMENT OF JUSTICES AND JUDGES**

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



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

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



1 each appointment within thirty days of any appointment. If the
2 senate fails to do so, the nomination shall be returned to the
3 commission and the commission shall make the appointment from
4 the list without senate consent. The chief justice shall
5 appoint per diem district court judges as provided by law.

6 The chief justice may appoint judges and justices who have
7 retired as emeritus judges, permitting the appointed judges and
8 justices to serve as temporary judges in courts no higher than
9 the court level they reached prior to retirement and for terms
10 not to exceed three months per appointment.

11 **QUALIFICATIONS FOR APPOINTMENT**

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

20 No justice or judge shall, during the term of office,
21 engage in the practice of law, or run for or hold any other



1 office or position of profit under the United States, the State
2 or its political subdivisions.

3 **TENURE; RETIREMENT**

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

16 Justices and judges shall be retired upon attaining the age
17 of seventy years. They shall be included in any retirement law
18 of the State."

19 SECTION 3. The question to be printed on the ballot shall
20 be as follows:

21 "Shall the chief justice of the state supreme court be
22 permitted to appoint retired judges and justices as emeritus



1 judges, who shall be permitted to serve as temporary judges
2 at a court level no higher than the court level they reached
3 prior to retirement and for terms not to exceed three months
4 per appointment?"

5 SECTION 4. New constitutional material is underscored.

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



Report Title:

Chief Justice; Supreme Court; Emeritus Judge; Constitutional Amendment

Description:

Proposes a constitutional amendment authorizing the Chief Justice of the Supreme Court to appoint retired judges and justices as emeritus judges, permitting the appointed judges and justices to serve as temporary judges in courts no higher than the court level that they reached prior to retirement and for terms not to exceed three months per appointment. (HB275 HD1)

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