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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE  
CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE TIMEFRAME  
TO RENEW THE TERM OF OFFICE OF A JUSTICE OR JUDGE AND  
REQUIRE CONSENT OF THE SENATE FOR A JUSTICE OR JUDGE TO  
RENEW A TERM OF OFFICE.

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

1           SECTION 1. The legislature finds that the Hawaii State  
2 Constitution requires every justice or judge to petition the  
3 judicial selection commission to be retained in office at least  
4 six months prior to the expiration of the justice's or judge's  
5 term of office. If the judicial selection commission determines  
6 that the justice or judge should be retained in office, the  
7 judicial selection commission is authorized pursuant to the  
8 Hawaii State Constitution to renew the justice's or judge's  
9 term. Thus, unlike the original appointment of a justice or  
10 judge, senate consent is not required for a justice's or judge's  
11 term renewal.

12           The purpose of this Act is to propose an amendment to  
13 article VI, section 3, of the Constitution of the State of  
14 Hawaii to amend the timeframe to renew the term of office of a



1 justice or judge and require consent of the senate for a justice  
2 or judge to renew a term of office.

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

5 "APPOINTMENT OF JUSTICES AND JUDGES

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

12 If the governor fails to make any appointment within thirty  
13 days of presentation, or within ten days of the senate's  
14 rejection of any previous appointment, the appointment shall be  
15 made by the judicial selection commission from the list with the  
16 consent of the senate. If the senate fails to reject any  
17 appointment within thirty days thereof, it shall be deemed to  
18 have given its consent to such appointment. If the senate shall  
19 reject any appointment, the governor shall make another  
20 appointment from the list within ten days thereof. The same  
21 appointment and consent procedure shall be followed until a



1 valid appointment has been made, or failing this, the commission  
2 shall make the appointment from the list, without senate  
3 consent.

4 The chief justice, with the consent of the senate, shall  
5 fill a vacancy in the district courts by appointing a person  
6 from a list of not less than six nominees for the vacancy  
7 presented by the judicial selection commission. If the chief  
8 justice fails to make the appointment within thirty days of  
9 presentation, or within ten days of the senate's rejection of  
10 any previous appointment, the appointment shall be made by the  
11 judicial selection commission from the list with the consent of  
12 the senate. The senate shall hold a public hearing and vote on  
13 each appointment within thirty days of any appointment. If the  
14 senate fails to do so, the nomination shall be returned to the  
15 commission and the commission shall make the appointment from  
16 the list without senate consent. The chief justice shall  
17 appoint per diem district court judges as provided by law.

18 The judicial selection commission shall disclose to the  
19 public the list of nominees for each vacancy concurrently with  
20 the presentation of each list to the governor or the chief  
21 justice, as applicable.



QUALIFICATIONS FOR APPOINTMENT

1  
2 Justices and judges shall be residents and citizens of the  
3 State and of the United States, and licensed to practice law by  
4 the supreme court. A justice of the supreme court, a judge of  
5 the intermediate appellate court and a judge of the circuit  
6 court shall have been so licensed for a period of not less than  
7 ten years preceding nomination. A judge of the district court  
8 shall have been so licensed for a period of not less than five  
9 years preceding nomination.

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

TENURE; RETIREMENT

14  
15 The term of office of justices and judges of the supreme  
16 court, intermediate appellate court and circuit courts shall be  
17 ten years. Judges of district courts shall hold office for the  
18 periods as provided by law. [~~At least six~~] Between twelve and  
19 nine months prior to the expiration of a justice's or judge's  
20 term of office, every justice and judge shall petition the  
21 judicial selection commission to be retained in office or shall



1 inform the commission of an intention to retire. [~~If the~~] The  
2 judicial selection commission [~~determines that~~] shall have six  
3 months to determine if the justice or judge should be retained  
4 in office, and if the petition is approved, the commission shall  
5 [renew the term of office of the justice or judge for the period  
6 provided by this section or by law.] immediately provide written  
7 notice to the senate for the senate to consider consent to renew  
8 the term of office of the justice or judge for the period  
9 provided by this section or as provided by law. Within ninety  
10 days of receiving written notice from the commission, the senate  
11 shall hold a public hearing and vote on each petition approved  
12 by the judicial selection commission. If the senate fails to do  
13 so, the commission shall renew the office of the justice or  
14 judge for the period provided by this section or as provided by  
15 law without senate consent.

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:



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1 "Shall the timeframe for the renewal of the terms of office  
 2 for justices and judges be extended from at least six months  
 3 to between twelve and nine months prior to the expiration of  
 4 a justice's or judge's term of office and shall the renewal  
 5 of the terms of office for justices and judges be subject to  
 6 senate consent, rather than left to the sole discretion of  
 7 the judicial selection commission?"

8 SECTION 4. Constitutional material to be repealed is  
 9 bracketed and stricken. New constitutional material is  
 10 underscored.

11 SECTION 5. This amendment shall take effect upon  
 12 compliance with article XVII, section 3, of the Constitution of  
 13 the State of Hawaii.

14

INTRODUCED BY:   
 JAN 22 2016



# H.B. NO. 2140

**Report Title:**

Justices and Judges; Term Renewals; Senate Consent; Judicial Selection Commission; Constitutional Amendment

**Description:**

Proposing a constitutional amendment to amend the timeframe to renew the term of office of a justice or judge and require consent of the senate for a justice or judge to renew a term of office.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

