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



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

3 "APPOINTMENT OF JUSTICES AND JUDGES

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

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



1 shall make the appointment from the list, without senate  
2 consent.

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

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

21                                   **QUALIFICATIONS FOR APPOINTMENT**



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

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

13 **TENURE; RETIREMENT**

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



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

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

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

20 "Shall the timeframe for the renewal of the terms of office  
21 for justices and judges be extended from at least six months



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

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

9 SECTION 5. This amendment shall take effect on January 7,  
10 2059.



**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. Takes effect on 1/7/2059. (SD1)

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