

JAN 20 2023

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII
STATE CONSTITUTION TO INCREASE THE MANDATORY RETIREMENT AGE
FOR STATE JUSTICES AND 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 increase the mandatory retirement age for
4 justices and judges to the age of seventy-five years.

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

7 **"APPOINTMENT OF JUSTICES AND JUDGES**

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

14 If the governor fails to make any appointment within thirty
15 days of presentation, or within ten days of the senate's
16 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



1 commission and the commission shall make the appointment from
2 the list without senate consent. The chief justice shall
3 appoint per diem district court judges as provided by law.

4 The judicial selection commission shall disclose to the
5 public the list of nominees for each vacancy concurrently with
6 the presentation of each list to the governor or the chief
7 justice, as applicable.

8 QUALIFICATIONS FOR APPOINTMENT

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

17 No justice or judge shall, during the term of office,
18 engage in the practice of law, or run for or hold any other
19 office or position of profit under the United States, the State
20 or its political subdivisions.

21 TENURE; RETIREMENT



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

13 Justices and judges shall be retired upon attaining the age
14 of [~~seventy~~] seventy-five years. They shall be included in any
15 retirement law of the State."

16 SECTION 3. The question to be printed on the ballot shall
17 be as follows:

18 "Shall the mandatory retirement age for all state court
19 justices and judges be increased from seventy to seventy-
20 five years of age?"



1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

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

7

INTRODUCED BY: *Karl Rhoad*



S.B. NO. 992

Report Title:

Judges; Mandatory Retirement Age; Constitutional Amendment

Description:

Proposes a constitutional amendment to increase the mandatory retirement age for justices and judges from seventy to seventy-five years of age.

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