
Judiciary Committee

HB 1522

Title: An act relating to eliminating the mandatory retirement age for judges.

Brief Description: Removing the mandatory retirement age for judges.

Sponsors: Representatives Williams, Darneille, Chase, Moeller, Lantz, Ericks, Goodman, Wood, Ormsby and Hunt.

| Brief Summary of Bill |
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| <ul style="list-style-type: none">Removes the mandatory retirement age of 75 years for judges of the Supreme Court, Court of Appeals, superior court, and district court. |
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Hearing Date: 1/31/07

Staff: Edie Adams (786-7180).

Background:

The original Washington Constitution vested judicial power in a Supreme Court and superior court, and such inferior courts as the Legislature may establish. In 1968, a constitutional amendment was adopted creating a Court of Appeals and providing that the Court of Appeals would be established in statute. As a result, there are a number of constitutional provisions relating to the establishment and operation of the Supreme Court and superior courts, whereas the Court of Appeals and the courts of limited jurisdiction are governed by statute.

Article IV, Section 3(a) of the Washington Constitution requires that judges of the Supreme Court and superior court retire at the end of the calendar year in which the judge reaches the age of 75 years. This provision allows the Legislature to set a lesser age for mandatory retirement, but not less than 70 years of age. In addition, this provision allows the Legislature to require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties. This constitutional provision was adopted by the Legislature in 1951 and approved by the people in 1952.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Legislature has established the mandatory retirement age of 75 years for not only judges of the Supreme Court and superior court, but also for judges of the Court of Appeals and district court.

The Legislature has established that judges of the Court of Appeals must retire at the age, under the conditions, and with the same retirement benefits as established for Supreme Court judges. The judicial retirement system law, which covers some judges of the Supreme Court, Court of Appeals, and superior court, provides that a judge who has attained the age of 75 years shall be retired at the end of that calendar year. In addition, a statute requires a district court judge to retire at the end of the calendar year in which the judge attains the age of 75 years.

Summary of Bill:

The mandatory retirement age of 75 years for judges of the Supreme Court, Court of Appeals, and superior court that is contained in the state's judicial retirement system laws is removed.

The provision of law requiring district court judges to retire at the age of 75 is repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.