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## Judiciary Committee

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### HJR 4209

**Brief Description:** Eliminating the mandatory retirement age for judges.

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

Brief Summary of Bill
<ul style="list-style-type: none"><li>Proposes a constitutional amendment to remove the mandatory retirement age of 75 years for judges of the Supreme Court and superior court.</li></ul>



**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.

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.

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*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.*

**Summary of Bill:**

An amendment is proposed to Article IV, Section 3(a) of the Washington Constitution to eliminate the mandatory retirement age of 75 years for judges of the Supreme Court and superior court. In addition, the proposed amendment eliminates the restriction that the Legislature may set a lesser mandatory retirement age of not less than 70 years.

**Appropriation:** None.

**Fiscal Note:** Not requested.