

HOUSE BILL REPORT

SSB 6025

As Reported by House Committee On: Judiciary

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

Brief Description: Eliminating the mandatory retirement provision for district judges.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Padden, Eide, Becker, Shin and Tom).

Brief History:

Committee Activity:

Judiciary: 2/16/12, 2/21/12 [DP].

Brief Summary of Substitute Bill

- Repeals the mandatory retirement provision for district court judges.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 7 members: Representatives Pedersen, Chair; Rodne, Ranking Minority Member; Eddy, Hansen, Kirby, Nealey and Orwall.

Minority Report: Do not pass. Signed by 4 members: Representatives Goodman, Vice Chair; Shea, Assistant Ranking Minority Member; Rivers and Roberts.

Staff: Oliver Stiefel (786-5793) and Edie Adams (786-7180).

Background:

The Washington Constitution requires supreme court justices and superior court judges to retire from office at the end of the calendar year in which they attain the age of 75. The Legislature extended this requirement by statute to district court judges in 1969. The statutory provision does not affect the term of any district court judge elected or appointed prior to August 11, 1969.

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 majority of states have mandatory retirement provisions for judges, with age 70 being the most frequent age of mandatory retirement.

Summary of Bill:

The mandatory retirement age for district court judges is repealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This is a simple bill that eliminates the mandatory retirement age for district court judges. Alternatives were considered, including rolling the age requirement to 80 years old, but it is difficult to find an appropriate age that satisfies all parties. Current law mandates forced resignation for some judges who still may be at the peak of their careers. At least four judges have been affected by this provision. The voters, who elect district court judges, are the best ones to determine what the appropriate age is. The Commission on Judicial Conduct has the authority to remove judges who are incapacitated or otherwise incapable of serving but refuse to step down.

(Opposed) None.

Persons Testifying: Senator Kline, prime sponsor; and Melanie Stewart, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.