

SENATE BILL REPORT

SJR 8204

As of January 12, 2012

Brief Description: Eliminating the mandatory retirement age for judges.

Sponsors: Senators Hargrove, Rockefeller and Fraser.

Brief History:

Committee Activity: Judiciary: 1/11/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Katherine Taylor (786-7434)

Background: According to the Washington State Constitution, a judge of the supreme court or the superior court must retire from judicial office at the end of the calendar year in which the judge attains the age of 75 years. The Legislature may, as it deems proper, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of 70 years. This provision shall not affect the term to which any judge has been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the Legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties.

Summary of Bill: The requirement that any judge must retire from judicial office at the end of the calendar year in which the judge attains the age of 75 years is eliminated. The Legislature's ability to fix a lesser age for mandatory retirement of judges is also eliminated.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The act takes effect upon approval by the voters at the next general election.

Staff Summary of Public Testimony: PRO: We support this bill. The state constitution is silent on retirement ages for district court judges. Nineteen states have no mandatory

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retirement ages for judges. Asking the public to vote on an amendment to the constitution may be costly.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration; Brett Buckley, Thurston County District Court Judge.