HOUSE DOCKET, NO. 1522 FILED ON: 1/17/2013

HOUSE . . . . . No. 65

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying proposal for constitutional amendment:

Proposal for a Legislative Amendment to the Constitution relative to the term of judicial officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*

HOUSE DOCKET, NO. 1522 FILED ON: 1/17/2013

HOUSE . . . . . No. 65

By Mr. Golden of Lowell, a petition (accompanied by proposal, House, No. 65) of Thomas A. Golden, Jr., for a legislative amendment to the Constitution relative to term limits for judges. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1823* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

Proposal for a Legislative Amendment to the Constitution relative to the term of judicial officers.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Article I of Chapter III of Part the Second of the Constitution of Massachusetts is hereby annulled and the following Article is adopted in place thereof:-

Article I. The tenure, that all commissioned officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, for a period of seven years, excepting such concerning whom there is different provision made in this Constitution. After the expiration of the initial seven-year term, the judicial officer shall be eligible for reappointment; provided, however, that such reappointment shall be by majority vote of the council, after due notice and a public hearing. If the judicial officer fails to receive a majority vote of the council, they shall not be eligible for reappointment to any judicial position. Should the judicial officer receive a vote of affirmation by the council, they shall be eligible for reappointment in like manner every seven years thereafter; provided, however, that the governor,

with the consent of the council, may remove them upon the address of both houses of the legislature; and provided, further, that the governor, with the consent of council may, after due notice and hearing, retire them because of advanced age or mental or physical disability. Upon attaining seventy years of age said judges shall be retired. Such retirement shall be subject to any provisions made by law as to pensions or allowances payable to such officers upon their voluntary retirement.