

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray for a legislative amendment to the Constitution relative to judicial retention and the Judicial Nominating Commission. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION
RELATIVE TO JUDICIAL RETENTION AND THE JUDICIAL NOMINATING
COMMISSION.

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

7 **ARTICLE OF AMENDMENT.**

8 Article I of Chapter III of Part the Second of the Constitution
9 as last amended by Article XCVIII of the Amendments to the
10 Constitution is hereby annulled and the following Article is adopted
11 in place thereof:

12 *Article 1.* The tenure, that all commissioned officers shall by
13 law have in their offices, shall be expressed in their respective
14 commissions. All judicial officers, duly appointed, commissioned
15 and sworn, shall hold their offices for six years and during good
16 behavior excepting such concerning whom there is different provi-
17 sion made in this Constitution; provided, nevertheless, the gover-
18 nor, with the consent of the council, may remove them upon the
19 address of both houses of the legislature; and provided, also, that
20 the governor, with the consent of the council, may after due notice
21 and hearing retire them because of advanced age or mental or
22 physical disability. Such a retirement shall be subject to any

23 provisions made by law as to pensions or allowances payable to
24 such officers upon their voluntary retirement.

25 At the end of his term any judicial officer, not otherwise removed
26 from office, may petition the Judicial Nominating Commission for
27 the purpose of reappointment to another six-year term. A two-
28 thirds vote opposing a petition for reappointment shall cause the
29 judicial office to be vacated. Where a two-thirds vote opposing a
30 petition for reappointment is tabulated an appointment shall be
31 made to fill the vacated position in the manner prescribed by
32 Article IX of Part the Second of the Constitution.