

By Mr. Blanchette of Lawrence, petition of Kevin P. Blanchette for a legislative amendment to the Constitution relative to the retirement of judges. Public Service.

The Commonwealth of Massachusetts

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

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION
RELATIVE TO JUDICIAL RETIREMENTS IN THE COMMONWEALTH.

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

8 **ARTICLE OF AMENDMENT.**

9 Article I of Chapter III of Part the Second of the Constitution,
10 as amended by Article XCVIII of the Amendments to the Con-
11 stitution, is hereby annulled and the following Article is adopted
12 in place thereof: —

13 Article I. The tenure, that all commissioned officers shall by
14 law have in their offices, shall be expressed in their respective
15 commissions. All judicial officers duly appointed, commissioned
16 and sworn, shall hold their offices during good behavior for a term
17 of ten years, excepting such concerning whom there is different
18 provision made in this Constitution; provided, nevertheless, the
19 governor, with the consent of the council, may remove them upon
20 the address of both houses of the legislature; and provided, also,
21 that the governor, with the consent of the council, may after due
22 notice and hearing retire them because of mental or physical
23 disability. Such retirement shall be subject to any provisions made
24 by law as to pensions or allowances payable to such officers upon

25 their voluntary retirement. Not later than sixty days prior to the
26 expiration of his term in office, any judicial officer may apply for
27 reappointment for an additional ten year term, and shall be so
28 reappointed unless the Governor, by and with the consent of the
29 council, and after a hearing if requested by the judicial officer,
30 shall determine, not later than ten days prior to the expiration
31 of said term, that such judicial officer is unsuited for reappoint-
32 ment by temperament, mental or physical disability, or failure to
33 hold office in good behavior. A judicial officer shall be eligible
34 for reappointment hereunder without regard to the number of
35 terms previously served. Any judicial officer so serving on the
36 effective date of this article shall be deemed to have been
37 appointed thereto for a term of ten years, as hereinbefore
38 provided, as of said effective date.