

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia and another for a legislative amendment to the Constitution relative to the retirement of judges at age seventy. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO THE RETIREMENT OF JUDGES AT AGE SEVENTY.

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

ARTICLE OF AMENDMENT.

1 Article I of Chapter III of Part the Second of the constitution,
2 as amended by Article XCVIII of the Amendments to the consti-
3 tution, is hereby annulled and the following Article is adopted in
4 place thereof:—

5 ARTICLE I. The tenure, that all commissioned officers shall by
6 law have in their offices, shall be expressed in their respective
7 commissions. All judicial officers, duly elected, commissioned
8 and sworn, shall hold their offices during good behavior for the
9 length of their term, excepting such concerning who there is dif-
10 ferent provision made in this Constitution; provided, nevertheless,
11 the governor, with the consent of the council, may remove them
12 upon the address of both houses of legislature: provided, further,
13 that the governor, with the consent of the council, may after due
14 notice and hearing retire them because of advanced age or mental
15 or physical disability; provided, further, that the term of office for
16 a member of the Supreme Judicial Court and the Trial Court shall

17 be a term of six years; and provided, further, that upon attaining
18 seventy years of age said judges shall be retired. Such retirement
19 shall be subject to any provisions made by law as to pensions
20 or allowances payable to such officers upon their voluntary
21 retirement.