

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Knapik

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 passage of the accompanying bill:

A proposal for a legislative amendment to the constitution relative to the certification of judges.

PETITION OF:

NAME:

Mr. Knapik

DISTRICT/ADDRESS:

Second Hampden and Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PROPOSAL for a legislative amendment to the Constitution

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.

1 Pt. 2, c. 3, Article I of the Constitution is hereby amended as follows:

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3 “Article I. The tenure that all commissioned officers shall by law have in their office, shall be expressed
4 in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold
5 their offices for a period of six years. After the expiration of the initial six year term, the judicial officer, if
6 he or she so chooses, shall have his or her name placed upon the ballot, in the County where they have
7 been seated for the majority of six years, for a vote of affirmation. If the judicial officer chooses not to
8 place his/her name upon the ballot his/her term shall immediately end and he or she can not be
9 considered for appointment to any judicial position. If the judicial officer’s name is placed upon the
10 ballot and receives a majority vote of all votes cast he or she shall be reappointed for an additional six
11 year period. If the judicial officer fails to receive a majority vote he or she shall not be eligible for

12 reappointment to any judicial position. Should the judicial officer receive a vote of affirmation he or she
13 will be eligible for a reappointment in like manner every six years thereafter. Provided however, the
14 Governor, with consent of the Council, may after due notice and hearing retire them because of
15 advanced age or mental or physical disability; and provided further, that upon attaining seventy years of
16 age said judges shall be retired. Such retirement shall be subject to any provisions made by law as to
17 pensions or allowances payable to such officers upon their voluntary retirement.

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19 The Clerk Magistrate in the County where a judicial officer's name is placed upon the ballot, shall publish
20 the judicial officer's sentencing and bail setting record on all F.B.I. Part I offenses for the previous six
21 years in all County newspapers, on public access television channels within said County and post in all
22 county courthouses. This shall be published a minimum of three weeks prior to the judicial officer's
23 name being placed on the ballot.

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25 Immediately upon ratification of this amendment to the Massachusetts Constitution, all judicial officers
26 who are presently judges shall have their names placed on the ballot in the County where they are
27 presently seated at the first statewide election for a vote of affirmation."

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