



# Senate Judiciary Committee

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## COMMITTEE BILL ANALYSIS

**Bill:** House Bill 89

**Printer's No.:** 79

**Sponsor:** Representative Harper

**Prepared by:** Eric Pauley

**Synopsis:** This bill amends Title 42 (Judiciary and Judicial Procedure) to raise the mandatory retirement age for judges and magisterial district judges from 70 to 75.

**Summary:** This bill amends Section 3351 of Title 42 to raise the mandatory retirement age for judges and magisterial district judges from 70 to 75. This revision would only take effect if a constitutional amendment to raise the mandatory retirement age for judges is passed by the General Assembly in two consecutive sessions and then approved by the voters via a referendum.

**Background:** Legislation (House Bill 79) changing the mandatory retirement age from 70 to 75 in the Pennsylvania Constitution passed both chambers during last session and became Pamphlet Law Resolution No. 3. In order to amend the Pennsylvania Constitution, identical legislation must pass both chambers again during this session and then must be approved by the voters. The House of Representatives recently approved such legislation via House Bill 90.

**Current Law:** Section 16(b) of Article V of the Pennsylvania Constitution provides that justices, judges and justices of the peace shall retire when they attain the age of 70 years.

Section 3351 (relating to automatic retirement on age) of Title 42 provides that judges and magisterial district judges shall retire upon attaining the age of 70 years.