

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 396 Session of  
2023

---

INTRODUCED BY KAUFFMAN, HAMM, GREINER, KEEFER, GROVE, FLICK,  
M. JONES, ROWE, MOUL, GLEIM, GILLEN AND T. JONES,  
MARCH 14, 2023

---

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2023

---

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for tenure of justices,  
3 judges and justices of the peace.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 15 of Article V be amended to read:

9 § 15. Tenure of justices, judges and justices of the peace.

10 (a) The regular term of office of justices and judges shall  
11 be ten years and the regular term of office for judges of the  
12 municipal court in the City of Philadelphia and of justices of  
13 the peace shall be six years. The tenure of any justice or judge  
14 shall not be affected by changes in judicial districts or by  
15 reduction in the number of judges.

16 (b) [A] Except as provided under this section 15(c), a  
17 justice or judge elected under section 13(a), appointed under

1 section 13(d) or retained under this section 15(b) may file a  
2 declaration of candidacy for retention election with the officer  
3 of the Commonwealth who under law shall have supervision over  
4 elections on or before the first Monday of January of the year  
5 preceding the year in which his term of office expires. If no  
6 declaration is filed, a vacancy shall exist upon the expiration  
7 of the term of office of such justice or judge, to be filled by  
8 election under section 13(a) or by appointment under section  
9 13(d) if applicable. If a justice or judge files a declaration,  
10 his name shall be submitted to the electors without party  
11 designation, on a separate judicial ballot or in a separate  
12 column on voting machines, at the municipal election immediately  
13 preceding the expiration of the term of office of the justice or  
14 judge, to determine only the question whether he shall be  
15 retained in office. If a majority is against retention, a  
16 vacancy shall exist upon the expiration of his term of office,  
17 to be filled by appointment under section 13(b) or under section  
18 13(d) if applicable. If a majority favors retention, the justice  
19 or judge shall serve for the regular term of office provided  
20 herein, unless sooner removed or retired. At the expiration of  
21 each term a justice or judge shall be eligible for retention as  
22 provided herein, subject only to the retirement provisions of  
23 this article.

24 (c) A justice of the Supreme Court shall be eligible to  
25 serve two terms. A justice of the Supreme Court who shall have  
26 exceeded the term limitation prescribed under this subsection  
27 shall be permitted to complete their current term in office.

28 Section 2. The following procedure applies to the proposed  
29 constitutional amendment in this joint resolution:

30 (1) Upon the first passage by the General Assembly of

1 the amendment, the Secretary of the Commonwealth shall  
2 proceed immediately to comply with the advertising  
3 requirements of section 1 of Article XI of the Constitution  
4 of Pennsylvania.

5 (2) Upon the second passage by the General Assembly of  
6 the amendment, the Secretary of the Commonwealth shall  
7 proceed immediately to comply with the advertising  
8 requirements of section 1 of Article XI of the Constitution  
9 of Pennsylvania. The Secretary of the Commonwealth shall  
10 submit the amendment to the qualified electors of this  
11 Commonwealth at the first primary, general or municipal  
12 election which meets the requirements of section 1 of Article  
13 XI of the Constitution of Pennsylvania.