

STATE OF KANSAS
SENATE

STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7365
vic.miller@senate.ks.gov



DISTRICT ADDRESS
1174 S.W. FILLMORE
TOPEKA, KS 66604
(785) 224-3375
victormiller@aol.com

VIC MILLER
18TH DISTRICT

**Testimony before Senate Judiciary
January 28, 2020
Senate Bill 269**

Mr. Chairman Wilborn, Vice-Chair Rucker, and members of the committee:

Senate Bill 269 would adjust the mandatory retirement age for district judges from “75 years plus” to a “hard 80”.

Currently, a judge must retire when he or she turns 75 but may continue until the completion of his or her term. Under the provisions of SB 269, mandatory retirement would occur at age 80 with no extension beyond that age to complete a term.

I support this change for several reasons. First, I do subscribe to the adage that age is just a number and selecting an arbitrary age is just that – arbitrary.

Secondly, I believe the current law is unfair, and perhaps illegal, in its application – treating similarly situated people differently. Some are forced to retire as early as age 75 and others as old as almost 79.

Thirdly, I believe we are far better off measuring the value of a judge by one’s experience than one’s age. Would any one of you prefer having your case decided by a young, inexperienced judge over one with decades of service on the bench?

Lastly, I do not see that age criteria for judicial qualification should be any different than for those of us that serve in elected office. Can you imagine the fallout from a proposal to limit the age for seeking office?

Most judges, like most people, retire long before they are forced to do so. As such, application of SB 269 will have little impact on the current situation. But for those few who still have value to add and wish to do so, we should not put artificial barriers in their way.