
DIGEST

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HB 378 Original

2021 Regular Session

Jenkins

Abstract: Provides procedures, reports, and definitions relative to registration and voting by a person with a felony conviction.

Present constitution (Const. Art. I, §10) provides that every citizen of the state, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Present law (R.S. 18:102–La. Election Code) prohibits a person who is under an order of imprisonment for conviction of a felony from registering to vote. Present law (R.S. 18:2(8)) provides that this prohibition applies during a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.

Present law provides an exception to allow a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been incarcerated pursuant to the order within the last five years. However, provides that a person may not register or vote if he has been convicted of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and is under an order of imprisonment. Proposed law retains present law.

Present law provides that except for those convicted of certain election-related offenses, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

Proposed law removes the requirement of submission of documentation to the registrar of voters.

Proposed law additionally provides that "incarcerated pursuant to the order" means actual confinement in a correctional facility pursuant to the order of imprisonment, including confinement after conviction but prior to sentencing for which the person is given credit in the order and confinement following revocation of probation or parole. Provides that "incarcerated pursuant to the order" shall not include confinement pursuant to a violation of a condition of probation or parole that does not result in revocation.

Present law (R.S. 18:171) requires the clerk of a court having jurisdiction over a criminal proceeding

to record in the minute book in his office certain convictions of a felony and the name, aliases, date of birth, sex, and address of the person subject to the conviction. Requires this recordation to be made immediately after the judgment is signed. Proposed law retains present law.

Present law provides that the required information must be recorded for each conviction of a felony for which there is an order of imprisonment. Proposed law provides instead that the required information must be recorded for each conviction of a felony for which the person is incarcerated pursuant to the order.

Present law requires the sheriff and district attorney to provide specified information, if available, regarding persons convicted of a felony to a registrar of voters, if requested. Proposed law adds that the information include the type of felony offense and whether the conviction resulted in an order of imprisonment for which the person is incarcerated pursuant to the order.

Proposed law further requires the secretary of the Dept. of Public Safety and Corrections or his authorized representative (DPSC), if requested, to provide information to a registrar of voters regarding a person who is under an order of imprisonment for conviction of a felony, including whether the person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense pursuant to present law (R.S. 18:1461.2) and whether the person has been incarcerated pursuant to the order within the last five years.

Present law requires the secretary of DPSC to send to the Dept. of State a report containing the name, date of birth, sex, and address for certain persons. Requires DPSC to supplement this report on no less than a quarterly basis. Requires the Dept. of State to confirm that the information has been entered into the department's databases and provide for correction if necessary. Proposed law retains present law.

Present law requires the reports from DPSC to contain the specified information for each person who has a felony conviction and who is under the custody or supervision of DPSC.

Proposed law provides that the reports only contain the information regarding those persons who are ineligible to register or vote pursuant to the provisions of present law (R.S. 18:102(A)(1)).

Present law additionally requires the secretary of DPSC to indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of DPSC and whether the individual has been granted or is eligible to be granted a first offender pardon. Proposed law removes present law.

Present law (R.S. 18:171.1) provides for reporting concerning federal convictions. Requires each U.S. attorney to notify the secretary of state of certain felony convictions in a U.S. district court. Proposed law retains present law.

Present law requires reporting for any felony conviction of a person for which there is an order of imprisonment. Proposed law instead requires reporting for any felony conviction of a person for which there is an order of imprisonment pursuant to which the person is incarcerated.

Present law (R.S. 18:176(A)) provides for suspension of voter registration based on a felony conviction. Requires the registrar to send a notice to certain persons. Provides that the notice shall inform the person that he must appear in person at the office of the registrar of voters within 21 days after the date on which the notice was mailed to show cause why his registration should not be suspended. Provides that if the registrant appears and shows cause within the 21 days, the registrar shall not suspend the registration. Provides if the registrant fails to appear, the registrar shall suspend the registration and note specified information regarding the suspension in the registrant's registration information. Proposed law retains present law.

Present law requires the registrar to send a notice to each person listed on a report received pursuant to present law (R.S. 18:171 or 171.1) and to any person the registrar has reason to believe has been convicted of a felony and is under an order of imprisonment.

Proposed law instead provides that the registrar send the notice to each such person the registrar has reason to believe is ineligible to register or vote pursuant to present law (R.S. 18:102(A)(1)). Proposed law further requires the registrar to include in the notice to the registrant the information pursuant to present law that constitutes the reason the registrar believes the registrant ineligible. Proposed law further requires the registrar to note that information in the registrant's registration information.

Present law (R.S. 18:177) provides for reinstatement of registration after suspension. Provides that the registration of a person whose registration has been suspended by the registrar of voters pursuant to present law (R.S. 18:176(A)) shall be reinstated when the person appears and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment or, if the person is under such an order, that the person has not been incarcerated pursuant to the order within the last five years and the person is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to present law (R.S. 18:1461.2). Provides that certain specified persons may instead provide the required documentation by mail, facsimile, commercial carrier, or hand delivery. Proposed law retains present law.

(Amends R.S. 18:102(A)(1)(b), 171(A), (B), and (C), 171.1(A)(1), and 176(A)(1), (2) and (3)(b); Adds R.S. 18:102(C))