
DIGEST

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Smith

HB No. 175

Abstract: Relative to a person convicted of a felony, limits suspension of registration and voting rights to only the period while such person is confined in a correctional facility.

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.

Proposed law provides instead that a person is prohibited from registering to vote if the person is confined in a correctional facility for conviction of a felony. Provides that a person who is on parole or probation or whose sentence of confinement has been suspended shall be permitted to register and vote.

Present law (R.S. 18:171 and 171.1) provides for recordation and reporting of felony convictions in state and federal courts for which there are orders of imprisonment. Reporting is ultimately to the registrar of voters in each parish.

Proposed law deletes references in present law to orders of imprisonment and instead requires recordation and reporting of felony convictions for which the person is required to be confined in a correctional facility. Otherwise retains present law.

Present law (R.S. 18:176) provides for suspension of the registration of a person listed on a report received pursuant to present law (R.S. 18:171 and 171.1) and anyone the registrar believes has been convicted of a felony and is under an order of imprisonment. Requires notice and an opportunity to appear before the registrar prior to suspension.

Proposed law deletes references in present law to orders of imprisonment and instead provides for suspension of the registration of a person listed on a report received pursuant to proposed law (see above) and anyone the registrar believes has been convicted of a felony and is confined in a correctional facility.

Present law (R.S. 18:177) provides for reinstatement of voter registration. Provides that when the registration of a person is suspended based on a felony conviction, the registration shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment.

Proposed law provides that the person's registration shall be reinstated when the person appears and provides documentation from the appropriate correction official that the person is no longer required to be confined in a correctional facility, instead of being no longer under an order of imprisonment. Otherwise retains present law.

Present law (R.S. 18:177.1) requires the Dept. of Public Safety and Corrections to provide each person who completes all orders of imprisonment applicable to him for felony convictions with information apprising the person of the requirements and procedures for registering to vote and for reinstatement of registration and a state mail voter registration application.

Proposed law requires this information to be provided to each person who is released from a correctional facility having been confined for conviction of a felony instead of each person who completes all applicable orders of imprisonment. Otherwise retains present law.

Present law (R.S. 18:1303(G)) provides that a person incarcerated in an institution inside or outside the parish in which he is qualified to vote, who is not under an order of imprisonment for conviction of a felony, may only vote absentee by mail and only upon meeting the requirements of present law provisions relative to absentee by mail and early voting and certification to the appropriate registrar by the sheriff of the parish where the person is incarcerated that he is not a convicted felon.

Proposed law amends present law to make it applicable to a person confined in a correctional facility who is not confined in a correctional facility for conviction of a felony instead of a person incarcerated in an institution who is not under an order of imprisonment for conviction of a felony. Replaces the term "incarcerated" with "confined" in referencing the appropriate sheriff to certify that the person is not a convicted felon. Otherwise retains present law.

(Amends R.S. 18:102(A)(1), 104(A)(5), 171(A), 171.1(A)(1), 176(A)(1), (2), and (3)(b), 177(A)(1), 177.1(intro. para.), and 1303(G))