

2016 Regular Session

HOUSE BILL NO. 275

BY REPRESENTATIVES GREGORY MILLER, BISHOP, CONNICK, FALCONER,
GAROFALO, HAZEL, HOLLIS, MACK, MIGUEZ, JAY MORRIS, AND PUGH

CONSTITUTION/AMENDMENT: (Constitutional Amendment) Prohibits, subject to certain exceptions, a person convicted of a felony from holding elective or appointive office

A JOINT RESOLUTION

Proposing to add Article I, Section 10.1 of the Constitution of Louisiana, relative to public office; to prohibit a person who is convicted of a felony from qualifying for election for or holding elective office and from being appointed to or holding appointive office; to provide for exceptions; to provide for definitions; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article I, Section 10.1 of the Constitution of Louisiana, to read as follows:

§10.1. Disqualification from Seeking or Holding Public Office

Section 10.1.(A) Disqualification. The following persons shall not qualify for election for or hold elective office or be appointed to or hold appointive office:

(1) A person who has been convicted within this state of a felony or convicted under the laws of another state, the United States, or a foreign government of a crime which, if committed in this state, would be a felony. "Convicted", as used in this Subparagraph, means a conviction that is final and for which all appellate review of the original trial court proceedings has been exhausted.

1 (2) A person under an order of imprisonment for conviction of a felony.

2 (B) Exceptions. A conviction may not be used to prohibit a person from
3 qualifying for election for or holding elective office or being appointed to or holding
4 appointive office pursuant to Subparagraph (A)(1) of this Section if either of the
5 following applies:

6 (1) Fifteen or more years have elapsed from the completion of the sentence
7 for the conviction.

8 (2) The person has been pardoned for the conviction either by the governor
9 of this state or by the officer of the government having such authority to pardon in
10 the place where the person was convicted and sentenced.

11 (C) Definitions. For purposes of this Section, the following terms shall have
12 the following meanings:

13 (1) "Appointive office" means any state or local office in any branch of
14 government or other position of an agency, board, or commission or any executive
15 office of any agency, board, commission, or department that is specifically
16 established or specifically authorized by this constitution or the laws of this state or
17 by the charter or ordinances of any political subdivision thereof and that is filled by
18 appointment or election by a public official or by a governmental body composed of
19 such officials of this state or of a political subdivision thereof.

20 (2) "Elective office" means any position that is established or authorized by
21 this constitution or the laws of this state or by the charter or ordinances of any
22 political subdivision thereof, that is not a political party office, and that is filled by
23 vote of the citizens of this state or of a political subdivision thereof.

24 Section 2. Be it further resolved that this proposed amendment shall be submitted
25 to the electors of the state of Louisiana at the statewide election to be held on November 8,
26 2016.

27 Section 3. Be it further resolved that on the official ballot to be used at the election,
28 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

3 Do you support an amendment to prohibit a person convicted of a felony
4 from qualifying for election for or holding elective office and from being
5 appointed to or holding appointive office within fifteen years of the
6 completion of his sentence unless he is pardoned? (Adds Article I, Section
7 10.1)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 275 Engrossed

2016 Regular Session

Gregory Miller

Abstract: Prohibits a person who has been convicted of a felony from qualifying for or holding elective office or being appointed to or holding appointive office. Provides certain exceptions for persons pardoned by the appropriate officer and persons for whom more than 15 years have passed after completion of sentence.

Present constitution provides that the right to register and vote may be suspended while a person is interdicted and judicially declared mentally incompetent or under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment retains present constitution and prohibits the following persons from qualifying for election for or holding elective office or being appointed to or holding appointive office:

- (1) A person who has been convicted within this state of a felony or convicted under the laws of another state, the U.S., or a foreign government of a crime which, if committed in this state, would be a felony. "Convicted", as used in proposed constitutional amendment, means a conviction that is final and for which all appellate review of the original trial court proceedings has been exhausted.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment provides that a conviction may not be used to disqualify a person pursuant to proposed constitutional amendment if any of the following applies:

- (1) 15 or more years have elapsed from the completion of the sentence for the conviction.
- (2) The person has been pardoned for the conviction either by the governor of this state or by the officer of the government having such authority to pardon in the place where the person was convicted and sentenced.

Proposed constitutional amendment provides that for purposes of proposed constitutional amendment "appointive office" means any office in any branch of government or other position on an agency, board, or commission or any executive office of any agency, board, commission, or department which is specifically established or specifically authorized by

the constitution or the laws of La. or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of La. or of a political subdivision thereof.

Proposed constitutional amendment provides that for purposes of proposed constitutional amendment, "elective office" means any position which is established or authorized by the constitution or the laws of La. or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of La. or of a political subdivision thereof.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2016.

(Adds Const. Art. I, §10.1)