

1 (1) A person who has been convicted within this state of a felony or been
2 convicted under the laws of any other state or of the United States or of any foreign
3 government or country of a crime which, if committed in this state, would be a
4 felony, who has exhausted all legal remedies, and who has not afterwards been
5 pardoned either by the governor of this state or by the officer of the state, nation,
6 government, or country having such authority to pardon in the place where the
7 person was convicted and sentenced.

8 (2) A person actually under an order of imprisonment for conviction of a
9 felony.

10 (C) Exception. The provisions of Subparagraph (B)(1) of this Section shall
11 not prohibit a person convicted of a felony from qualifying as a candidate for elective
12 public office or holding such elective public office or appointment of honor, trust,
13 or profit if more than eight years have elapsed since the completion of his original
14 sentence for the conviction.

15 (D) The provisions of Paragraph (B) of this Section shall not prohibit a
16 person from being employed by the state or a political subdivision.

17 Section 2. Be it further resolved that this proposed amendment shall be submitted
18 to the electors of the state of Louisiana at the statewide election to be held on November 6,
19 2018.

20 Section 3. Be it further resolved that on the official ballot to be used at the election,
21 there shall be printed a proposition, upon which the electors of the state shall be permitted
22 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
23 follows:

24 Do you support an amendment to prohibit a person convicted of a felony
25 from qualifying as a candidate for elective public office or holding elective
26 public office or appointment of honor, trust, or profit within eight years of
27 the completion of his sentence unless he is pardoned? (Adds Article I,
28 Section 10(B), (C), and (D))

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 351 Reengrossed

2017 Regular Session

Gregory Miller

Abstract: Prohibits a person convicted of a felony from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit within eight years of the completion of his sentence unless he is pardoned.

Act No. 1492 of the 1997 R.S. proposed constitutional provisions that were ratified by the citizens of the state. Prohibited the following persons from qualifying as a candidate for elective public office or taking public elective office or appointment of honor, trust, or profit in this state:

- (1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Provided further that a person who desired to qualify as a candidate for or hold an elective office, who had been convicted of a felony and who had served his sentence, but had not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office was more than 15 years after the date of the completion of his original sentence.

The La. Supreme Court in the case of *Shepherd v. Schedler*, 2015-CA-1750, held Act No. 1492 to be null and void because the Act was not constitutionally adopted.

Proposed constitutional amendment reestablishes the prohibitions nullified in the *Shepherd* case by prohibiting the following persons from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit in this state:

- (1) A person who has been convicted within this state of a felony or been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony, who has exhausted all legal remedies, and who has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having such authority to pardon in the place where the person was convicted and sentenced.
- (2) A person actually under an order of imprisonment for conviction of a felony.

Proposed constitutional amendment provides that it shall not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or holding such elective public office or appointment of honor, trust, or profit if more than eight years (instead of 15 years) have elapsed since the completion of his original sentence for the conviction.

Proposed constitutional amendment provides that it does not prohibit a person from being employed by the state or a political subdivision.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 6, 2018.

(Adds Const. Art. I, §10(B), (C), and (D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that proposed constitutional amendment does not prohibit a person from being employed by the state or a political subdivision.
2. Reduce from 15 years to eight years the amount of time that must elapse following the completion of a person's original sentence for the prohibitions in proposed constitutional amendment to become inapplicable to the person.