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## DIGEST

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HB 256 Original

2017 Regular Session

Edmonds

**Abstract:** Prohibits certain persons from running for elective office or holding elective or certain appointed offices.

Act No. 1492 of 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 U.S. 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, was 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 of 1997 R.S. to be null and void because it was not constitutionally adopted.

Proposed constitutional amendment reestablishes the prohibitions nullified in the *Shepherd* case in 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 U.S. 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 additionally prohibits 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:

(3) A person who has entered a plea of guilty or nolo contendere to or been convicted of a crime of violence as defined by law at the misdemeanor level.

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

Proposed constitutional amendment provides that proposed constitutional amendment shall not prohibit a person who has entered a plea of guilty or nolo contendere to or has been convicted of a crime of violence as defined by law at the misdemeanor level from qualifying as a candidate for elective public office or holding such office or appointment of honor, trust, or profit if the conviction was set aside and the prosecution dismissed or if at least five years have elapsed since the completion of his original sentence for the conviction.

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

(Adds Const. Art. I, §10(B) and (C))