

HOUSE BILL No. 1497

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-5; IC 35-50-5-1.1.

Synopsis: Disqualification of felons. Permits a person to hold public office five years after the completion or fulfillment of any sentence, judgment, or order resulting from a felony plea or conviction. Allows the court as part of a person's conviction for certain felonies and misdemeanors related to public administration to: (1) prohibit a person from holding public office for not more than ten years; and (2) remove the person from office. (Current law applies the prohibition and removal to persons convicted of only misdemeanors related to public administration.)

Effective: July 1, 1999.

Smith V

January 19, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1497

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) This section does not apply
3 to a candidate for federal office.
4 (b) **Except as provided in subsection (c)**, a person is disqualified
5 from holding or being a candidate for an elected office if the person:
6 (1) gave or offered a bribe, threat, or reward to procure the
7 person's election, as provided in Article 2, Section 6 of the
8 Constitution of the State of Indiana;
9 (2) does not comply with IC 5-8-3;
10 (3) has:
11 (A) entered a plea of guilty or nolo contendere to; or
12 (B) been convicted of;
13 a felony (as defined in IC 35-50-2-1);
14 (4) has been removed from the office the candidate seeks under
15 Article 7, Section 11 or Article 7, Section 13 of the Constitution
16 of the State of Indiana; or
17 (5) is a member of the United States armed forces on active duty



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1 and prohibited by the United States Department of Defense from
2 being a candidate.

3 **(c) The disqualification under subsection (b)(3) expires five (5)**
4 **years after the date a person has:**

5 **(1) completed any sentence; and**

6 **(2) fulfilled all judgments and orders;**

7 **entered by a court as a result of the plea or conviction.**

8 SECTION 2. IC 35-50-5-1.1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) Whenever a
10 person is convicted of a ~~misdemeanor~~ **felony** under IC 35-44-1, the
11 court may include in the sentence an order rendering the person
12 incapable of holding a public office of trust or profit for a fixed period
13 of not more than ten (10) years.

14 (b) If any officer of a governmental entity is convicted of a
15 ~~misdemeanor~~ **felony** under IC 35-44-1, the court may enter an order
16 removing the officer from office.

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