

Regular Session, 2013

HOUSE BILL NO. 175

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTING/REGISTRATION: Provides relative to registration and voting by a person convicted of a felony

1 AN ACT

2 To amend and reenact R.S. 18:102(A)(1), 104(A)(5), 171(A), 171.1(A)(1), 176(A)(1), (2),
3 and (3)(b), 177(A)(1), 177.1(introductory paragraph), and 1303(G), relative to
4 registration and voting by a person convicted of a felony; to limit suspension of
5 registration and voting rights to the period while such a person is confined in a
6 correctional facility; to provide relative to procedures for voter registration and
7 voting; to provide relative to reinstatement of voter registration; to provide relative
8 to notice and reporting of felony convictions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:102(A)(1), 104(A)(5), 171(A), 171.1(A)(1), 176(A)(1), (2), and
11 (3)(b), 177(A)(1), 177.1(introductory paragraph), and 1303(G) are hereby amended and
12 reenacted to read as follows:

13 §102. Ineligible persons

14 A. No person shall be permitted to register or vote who is:

15 (1) ~~Under an order of imprisonment, as defined in R.S. 18:2(8),~~ Confined in
16 a correctional facility for conviction of a felony, ~~or~~ A person who is on parole or
17 probation or whose sentence of confinement has been suspended shall be permitted
18 to register and vote.

19 * * *

1 §104. Application for registration; form

2 A. The secretary of state, subject to approval by the attorney general as to
3 content, shall prescribe the form that shall be used uniformly by each registrar in the
4 state and any person authorized to accept voter registration applications in registering
5 qualified citizens to vote. The form shall contain spaces for at least the following
6 information with respect to the applicant:

7 * * *

8 (5) Whether the applicant is currently ~~under an order of imprisonment~~
9 confined in a correctional facility for conviction of a felony.

10 * * *

11 §171. Report of convictions of felony

12 A. The clerk of a court having jurisdiction over a criminal proceeding shall
13 record in the minute book in his office each conviction of a felony for which ~~there~~
14 ~~is an order of imprisonment~~ the person convicted is required to be confined in a
15 correctional facility and the name, aliases, date of birth, sex, and address of the
16 person subject to the conviction. This recordation shall be made immediately after
17 the judgment is signed.

18 * * *

19 §171.1. Conviction of felony in federal court; notification

20 A.(1) Each United States attorney shall give written notice to the secretary
21 of state of any felony conviction in a district court of the United States ~~of a person~~
22 for which ~~there is an order of imprisonment~~ the person is required to be confined in
23 a correctional facility. ~~in a district court of the United States to the secretary of state.~~

24 * * *

25 §176. Suspension and cancellation of registration and challenge of unlawful
26 registration on the basis of reports

27 A.(1) The registrar shall send a notice to each person listed on a report
28 received pursuant to R.S. 18:171 or 171.1 and to any person the registrar has reason
29 to believe has been convicted of a felony and is ~~under an order of imprisonment.~~

1 and provides documentation from the appropriate correction official showing that
2 such person is no longer ~~under an order of imprisonment~~ required to be confined in
3 a correctional facility.

4 * * *

5 §177.1. ~~Satisfaction of order of imprisonment~~ Termination of confinement;
6 provision of information relative to registration and reinstatement

7 The Department of Public Safety and Corrections shall provide each person
8 who ~~completes all orders of imprisonment applicable to him for felony convictions~~
9 is released from a correctional facility after being confined for conviction of a felony
10 with the following:

11 * * *

12 §1303. Persons entitled to vote in compliance with this Chapter

13 * * *

14 G. Persons ~~incarcerated~~ confined. A person ~~incarcerated~~ confined in an
15 ~~institution~~ a correctional facility inside or outside the parish in which he is qualified
16 to vote, who is not ~~under an order of imprisonment~~ confined for conviction of a
17 felony, may only vote absentee by mail and only upon meeting the requirements of
18 this Chapter and certification to the appropriate registrar by the sheriff of the parish
19 where the person is ~~incarcerated~~ confined that he is not a convicted felon.

20 * * *

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)]

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))