PROPOSED AMENDMENT
HB 1265 # 7

DIGEST

Candidate qualification. Provides that a candidate for the office of attorney general may not have been subject to certain disciplinary sanctions for at least one year before the election. Specifies that a person is disqualified from being a candidate for an elected office if they no longer meet certain requirements of the elected office.

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1   Page 4, between lines 35 and 36, begin a new paragraph and insert:

2   "SECTION 7. IC 3-8-1-5, AS AMENDED BY P.L.193-2021,

3   SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4   UPON PASSAGE]: Sec. 5. (a) This section does not apply to a

5   candidate for federal office.

6   (b) As used in this section, "felony" means a conviction for which

7   the convicted person might have been imprisoned for more than one (1)

8   year.

9   (c) A person is not disqualified under this section for:

10   (1) a felony conviction for which the person has been pardoned;

11   (2) a felony conviction that has been:

12   (A) reversed;

13   (B) vacated;

14   (C) set aside;

15   (D) not entered because the trial court did not accept the

16   person's guilty plea; or

17   (E) expunged under IC 35-38-9; or

18   (3) a person's plea of guilty or nolo contendere at a guilty plea

19   hearing that is not accepted and entered by a trial court.

20   (d) A person is disqualified from assuming or being a candidate for

21   an elected office if:

22   (1) the person gave or offered a bribe, threat, or reward to procure

23   the person's election, as provided in Article 2, Section 6 of the

24   Constitution of the State of Indiana;

25   (2) the person does not comply with IC 5-8-3 because of a

26   conviction for a violation of the federal laws listed in that statute;

1   (3) in a:
2   (A) jury trial, a jury publicly announces a verdict against the
3   person for a felony;
4   (B) bench trial, the court publicly announces a verdict against
5   the person for a felony; or
6   (C) guilty plea hearing, the person pleads guilty or nolo
7   contendere to a felony;
8   (4) the person has been removed from the office the candidate
9   seeks under Article 7, Section 11 or Article 7, Section 13 of the
10   Constitution of the State of Indiana;
11   (5) the person is a member of the United States armed forces on
12   active duty and prohibited by the United States Department of
13   Defense from being a candidate;
14   (6) the person is subject to:
15   (A) 5 U.S.C. 1502 (the Little Hatch Act); or
16   (B) 5 U.S.C. 7321-7326 (the Hatch Act);
17   and would violate either federal statute by becoming or remaining
18   the candidate of a political party for nomination or election to an
19   elected office or a political party office; ~~or~~
20   (7) the person is a nonjudicial court employee who would violate
21   Rule 4.6 of the Indiana Code of Judicial Conduct by being the
22   candidate of a political party for nomination or election to an
23   elected office or a political party office; **or**
24   **(8) the person no longer complies with the requirements**
25   **imposed under this chapter for the office.**
26   (e) The subsequent reduction of a felony to a Class A misdemeanor
27   under IC 35 after the:
28   (1) jury has announced its verdict against the person for a felony;
29   (2) court has announced its verdict against the person for a felony;
30   or
31   (3) person has pleaded guilty or nolo contendere to a felony;
32   does not affect the operation of subsection (d).
33   SECTION 8. IC 3-8-1-10 IS AMENDED TO READ AS FOLLOWS
34   [EFFECTIVE UPON PASSAGE]: Sec. 10. A candidate for the office
35   of attorney general must:
36   (1) have resided in Indiana for at least two (2) years before the
37   election; ~~and~~
38   (2) have been admitted to the practice of law in Indiana for at
39   least five (5) years upon taking office; **and**
40   **(3) have not been subject to a disciplinary sanction by the**

1   **supreme court disciplinary commission that resulted in the**
2   **candidate's disbarment or suspension from the practice of**
3   **law, without automatic reinstatement, for at least one (1) year**
4   **before the election.**".
5   Renumber all SECTIONS consecutively.

(Reference is to HB 1265 as printed January 25, 2024.)