

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.

- 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.)