



# SENATE MOTION

MADAM PRESIDENT:

**I move** that Engrossed House Bill 1265 be amended to read as follows:

- 1           Page 6, delete lines 41 through 42, begin a new line block indented  
2           and insert:  
3           **"(3) have not been subject to a disciplinary sanction imposed**  
4           **by:**  
5                 **(A) the Indiana supreme court; or**  
6                 **(B) a similar body in another state;**  
7                 **that resulted in the candidate's disbarment from the practice**  
8                 **of law."**  
9           Page 7, delete lines 1 through 3.  
10          Page 32, between lines 16 and 17, begin a new paragraph and insert:  
11          "SECTION 28. IC 5-8-1-1 IS AMENDED TO READ AS  
12          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Under Article  
13          6, Sections 7 and 8 of the Constitution of the State of Indiana, all state  
14          officers other than justices of the supreme court or judges of the court  
15          of appeals of Indiana or the Indiana tax court, all other judges,  
16          prosecuting attorneys, and all county, city, town, and township officers  
17          are liable to impeachment for any misdemeanor in office.  
18          (b) A justice of the supreme court or a judge of the court of appeals  
19          of Indiana or of the Indiana tax court is subject to removal from office  
20          under Article 7, Section 11 of the Constitution of the State of Indiana.  
21          **(c) Under Article 6, Sections 7 and 8 of the Constitution of the**  
22          **State of Indiana, the attorney general is liable to impeachment if**  
23          **the Indiana supreme court has imposed a disciplinary sanction that**  
24          **suspends the attorney general from the practice of law.**  
25          SECTION 29. IC 5-8-1-3 IS AMENDED TO READ AS FOLLOWS  
26          [EFFECTIVE UPON PASSAGE]: Sec. 3. When an officer is  
27          impeached by the house of representatives for a misdemeanor in office

1 **or the attorney general is impeached by the house of**  
 2 **representatives for a disciplinary sanction by the Indiana supreme**  
 3 **court**, the articles of impeachment must be delivered to the president  
 4 of the senate, saving and excepting only that in case the officer  
 5 impeached be the governor, lieutenant-governor, or the acting president  
 6 of the senate, such articles shall be delivered to the secretary of the  
 7 senate.

8 SECTION 30. IC 5-8-1-38, AS AMENDED BY P.L.57-2015,  
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 38. (a) The following definitions apply  
 11 throughout this section:

12 (1) "Felony" has the meaning set forth in IC 3-8-1-5.

13 (2) "Public officer" means either of the following:

14 (A) An individual who holds an elected office (as defined in  
 15 IC 3-5-2-17), other than a federal office.

16 (B) An individual who holds an appointed office of the state  
 17 or a political subdivision (as defined in IC 36-1-2-13).

18 (b) Any public officer convicted of a felony during the public  
 19 officer's term of office shall:

20 (1) be removed from office by operation of law when:

21 (A) in a jury trial, a jury publicly announces a verdict against  
 22 the person for a felony;

23 (B) in a bench trial, the court publicly announces a verdict  
 24 against the person for a felony; or

25 (C) in a guilty plea hearing, the person pleads guilty or nolo  
 26 contendere to a felony; and

27 (2) not receive any salary or remuneration from the time the  
 28 public officer is removed from office under subdivision (1).

29 (c) The subsequent reduction of a felony to a Class A misdemeanor  
 30 under IC 35-50-2-7 or IC 35-38-1-1.5 after the:

31 (1) jury has announced its verdict against the person for a felony;

32 (2) court has announced its verdict against the person for a felony;

33 or

34 (3) person has pleaded guilty or nolo contendere to a felony;

35 does not affect the operation of subsection (b).

36 (d) If the conviction is:

37 (1) reversed;

38 (2) vacated;

39 (3) set aside;

40 (4) for a felony other than a felony arising out of an action taken  
 41 in the public officer's official capacity, reduced to a Class A  
 42 misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5; or

43 (5) not entered because the trial court did not accept the guilty  
 44 plea;

45 and the public officer's term has not expired, the public officer shall be  
 46 reinstated in office and receive any salary or other remuneration that

1 the public officer would have received had the public officer not been  
2 removed from office.

3 (e) If the conviction is reversed, vacated, or set aside and the public  
4 officer's term has expired, the public officer shall receive any salary or  
5 other remuneration that the public officer would have received had the  
6 public officer not been removed from office.

7 (f) A vacancy in a public office caused by the removal of a public  
8 officer under this section shall be filled as provided by law. If a  
9 convicted public officer is reinstated, the person filling the office  
10 during the appeal shall cease to hold the office.

11 (g) This subsection applies whenever:

12 (1) a public officer is removed from office by operation of law  
13 under subsection (b); and

14 (2) a vacancy occurs in a state, county, township, city, or town  
15 office as the result of the removal from office.

16 The court must file a certified copy of the sentencing order with the  
17 person who is entitled under IC 5-8-6 to receive notice of the death of  
18 an individual holding the office. The person receiving a copy of the  
19 sentencing order must give notice of the vacancy in the same manner  
20 as if the person had received a notice under IC 5-8-6. The person who  
21 is required or permitted to fill the vacancy must comply with IC 3-13.

22 (h) This subsection applies if a public officer is reinstated in office  
23 under subsection (d). The court must file a certified copy of the order  
24 reversing, vacating, reducing, or setting aside the conviction with the  
25 person who is entitled under IC 5-8-6 to receive notice of the death of  
26 an individual holding the office. The person receiving a copy of the  
27 order must give notice of the reinstatement in the same manner as  
28 notice of a vacancy would be given under IC 5-8-6. The person  
29 receiving a copy of the order must also give notice to the person who  
30 was selected to fill the vacancy before the reinstatement occurred.

31 **(i) This subsection applies to the attorney general. The attorney**  
32 **general shall be removed from office by operation of law on the**  
33 **date that the Indiana supreme court issues a final order to disbar**  
34 **the attorney general from the practice of law. This subsection does**  
35 **not prevent the attorney general from being impeached or removed**  
36 **from office for any other reason."**

37 Renumber all SECTIONS consecutively.

(Reference is to EHB 1265 as printed February 21, 2024.)

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Senator FREEMAN