

By: Representative Flaggs (By Request)

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 36

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 44,
2 MISSISSIPPI CONSTITUTION OF 1890, TO REMOVE THE DISQUALIFICATION
3 OF A PERSON TO BE ELIGIBLE TO A SEAT IN EITHER HOUSE OF THE
4 LEGISLATURE OR TO ANY OFFICE OF PROFIT OR TRUST IN THIS STATE WHO
5 HAS BEEN CONVICTED OF CERTAIN OFFENSES UNDER THE LAWS OF THIS
6 STATE OR OF ANY FELONY UNDER THE LAWS OF ANOTHER STATE OR UNDER
7 FEDERAL LAW BEGINNING FIVE YEARS FOLLOWING THE DATE THAT SUCH
8 PERSON COMPLETES HIS SENTENCE, INCLUDING PROBATION, PAROLE AND ALL
9 CONDITIONS AND RESTRICTIONS IMPOSED UPON HIM FOR CONVICTION OF THE
10 OFFENSE; AND FOR RELATED PURPOSES.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
12 MISSISSIPPI, That the following amendment to the Mississippi
13 Constitution of 1890 is proposed to the qualified electors of the
14 state:

15 Amend Section 44, Mississippi Constitution of 1890, to read
16 as follows:

17 "Section 44. (1) No person shall be eligible to a seat in
18 either house of the Legislature, or to any office of profit or
19 trust, who shall have been convicted of bribery, perjury, or other
20 infamous crime; and any person who shall have been convicted of
21 giving or offering, directly, or indirectly, any bribe to procure
22 his election or appointment, and any person who shall give or
23 offer any bribe to procure the election or appointment of any
24 person to office, shall, on conviction thereof, be disqualified
25 from holding any office of profit or trust under the laws of this
26 state for a period of five (5) years from and after the date that
27 such person completes his sentence, including probation, parole
28 and all conditions and restrictions imposed upon him for
29 conviction of the offense.

30 (2) No person who is convicted after ratification of this
31 amendment in another state of any offense which is a felony under

32 the laws of this state, and no person who is convicted after
33 ratification of this amendment of any felony in a federal court,
34 shall be eligible to hold any office of profit or trust in this
35 state for a period of five (5) years from and after the date that
36 such person completes his sentence, including probation, parole
37 and all conditions and restrictions imposed upon him for
38 conviction of the offense.

39 (3) This section shall not disqualify a person from holding
40 office if he has been pardoned for the offense or if the offense
41 of which the person was convicted was manslaughter, any violation
42 of the United States Internal Revenue Code or any violation of the
43 tax laws of this state unless such offense also involved misuse or
44 abuse of his office or money coming into his hands by virtue of
45 his office."

46 BE IT FURTHER RESOLVED, That this proposed amendment shall be
47 submitted by the Secretary of State to the qualified electors at
48 an election to be held on the first Tuesday after the first Monday
49 of November 2006, as provided by Section 273 of the Constitution
50 and by general law.

51 BE IT FURTHER RESOLVED, That the explanation of this proposed
52 amendment for the ballot shall read as follows: "This proposed
53 constitutional amendment to remove the disqualification of a
54 person to be eligible to a seat in either house of the Legislature
55 or any office of profit or trust in this state who has been
56 convicted of certain offenses beginning five years following the
57 date that such person completes his sentence, including probation,
58 parole and all conditions and restrictions imposed upon him for
59 conviction of the offense."

60 BE IT FURTHER RESOLVED, That the Attorney General of the
61 State of Mississippi shall submit this resolution, immediately
62 upon adoption by the Legislature, to the Attorney General of the
63 United States or to the United States District Court for the

64 District of Columbia in accordance with the provisions of the
65 Voting Rights Act of 1965, as amended and extended.