



**H.B. 666**

126th General Assembly  
(As Introduced)

**Reps. Schaffer, Trakas, Widener, Taylor, Law, Collier, G. Smith**

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**BILL SUMMARY**

- Specifies that the privilege of holding an office of honor, trust, or profit is *not* restored if a person (1) has served the entire prison term that comprises or is part of the prisoner's sentence and has not been placed under any post-release control sanctions, (2) has been granted a final release, (3) has completed the period of community control sanctions, or (4) receives a commutation of sentence after receiving an administrative release.

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**CONTENT AND OPERATION**

**Forfeiture of the privilege to hold an office of honor, trust, or profit upon conviction**

**Current law**

Continuing law, unchanged by the bill, provides that a person convicted of a state or federal felony is incompetent to hold an office of honor, trust, or profit unless the conviction is reversed or annulled or the person receives a full pardon. (R.C. 2961.01(A), not in the bill.)

However, current law also provides that the following prisoners or persons are restored the rights and privileges forfeited by a conviction (R.C. 2967.16(C)):

(1) A prisoner who has served the entire prison term that comprises or is part of the prisoner's sentence and has not been placed under any post-release control sanctions;

(2) A prisoner who has been granted a final release by the Adult Parole Authority;

(3) A person who has completed the period of a community control sanction or combination of community control sanctions that was imposed by the sentencing court.

Current law also allows a person who receives an administrative release to apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privilege of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition may not be restored after an administrative release (R.C. 2967.17(B)) (see **COMMENT** for a brief explanation of an administrative release).

### **The bill**

The bill specifies that the privilege of holding an office of honor, trust, or profit is *not* restored if a person has served the entire prison term that comprises or is part of the prisoner's sentence and has not been placed under any post-release control sanctions, has been granted a final release, has completed the period of community control sanctions, or receives a commutation of sentence after receiving an administrative release as described above in "**Current law.**" Thus, under the bill the only ways in which a person convicted of a felony may hold an office of honor, trust, or profit after conviction is if the conviction is reversed or annulled or if the person receives a full pardon as provided in R.C. 2961.01, described above in "**Current law.**" (R.C. 2967.16(C) and 2967.17(B).)

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### **COMMENT**

R.C. 2967.17 permits the Adult Parole Authority ("APA"), in its discretion, to grant an administrative release if a majority of the APA concurs and the chief of the APA approves to any of the following persons:

(1) A parole violator or release violator serving another felony sentence in a correctional institution within or without this state for the purpose of consolidation of the records or if justice would best be served;

(2) A parole violator at large or release violator at large whose case has been inactive for at least ten years following the date of declaration of the parole violation or the violation of a post-release control sanction;

(3) A parolee taken into custody by the Immigration and Naturalization Service of the United States Department of Justice and deported from the United States.<sup>1</sup>

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## HISTORY

ACTION	DATE
Introduced	09-28-06

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<sup>1</sup> *This should be updated to the Immigration and Customs Enforcement of the Department of Homeland Security.*

