

I would think that this is where our corrupt practices law stem from rather than from any disqualification because of conviction, because those participating have not as yet been convicted.

DELEGATE KOSS: I would like to answer, if I might.

THE CHAIRMAN: Proceed.

DELEGATE KOSS: Delegate Key, certainly the General Assembly has the authority to protect the integrity of the electoral process and to enumerate what are crimes under corrupt practices, but they would not have the authority of disqualifying persons who have been so convicted without this language.

THE CHAIRMAN: Delegate Lloyd Taylor, do you want to speak to the question?

DELEGATE L. TAYLOR: I want to add something to what Delegate Key has said.

The loss of the right to vote is just one of the civil rights lost incident to criminal conviction. In other words, you find that when a person is convicted of a crime, generally speaking after he has served his time, he also cannot hold certain types of public offices. He cannot, for example, serve on a jury, and if certain rights are denied in terms of court trials and testimony, he is also barred from participating in certain professions and occupations. In addition, certain governmental and private bonding and insurance companies refuse to cover any person convicted of a crime.

Therefore, a person who has been convicted of a crime many times carries a disability throughout his life and I feel that a person who has been convicted and once served his term, should have all his civil rights restored.

I know that this is not a constitutional matter. Therefore, I have amended the personal rights section, section 8, to allow the General Assembly to restore civil rights to any person who has been convicted of a crime.

We feel that a person who has been convicted of a crime, after he has served his time and carries this permanent disability is being subjected to what you call double punishment. This should be dealt with by the General Assembly. We think this whole section should be eliminated from the suffrage and election part of this constitution. As Delegate Key has said, this particular situation can be covered by the present laws governing our election system in the State of Maryland.

THE CHAIRMAN: Are you ready for the question?

Delegate Hargrove?

DELEGATE HARGROVE: I would like to ask the Chairman a question.

THE CHAIRMAN: Delegate Koss, do you yield to a question?

DELEGATE KOSS: Yes, sir.

THE CHAIRMAN: Delegate Hargrove.

DELEGATE HARGROVE: Delegate Koss, I notice that section 5 makes it mandatory for the General Assembly to establish disqualification for a serious crime.

It likewise makes it mandatory for the removal of such disqualifications. Why do you make it mandatory to remove this disqualification? Is it possible that the General Assembly might not want to remove the disqualification and thereby be forced to by the language of this section?

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Well, under the present procedure the General Assembly has the authority to establish the basis for disqualification.

THE CHAIRMAN: Delegate Koss, I think the question may be stated simply, why did the Committee recommend the mandatory "shall" in both clauses, rather than "may"?

DELEGATE KOSS: Because we were persuaded by both Delegate Key and Delegate Taylor that there should be some recognition of the fact that when a person has served his time in whatever terms under the criminal statute, the General Assembly has the responsibility to determine when that person shall be restored to civil rights.

We are not saying that that is for the purpose of election. We are not setting it at either the expiration of his term, or the expiration of his supervision, but we felt it was advisable. Not only that, but the Committee felt very strongly that if the General Assembly established the procedures and the standards for disqualification, they should also be impelled to provide a standard for the requalification.

Under the present condition, anybody convicted of the crime that falls into the applicable language has to apply for a pardon and we want to eliminate that procedure.

THE CHAIRMAN: Delegate Hargrove.