

BOWIE COUNTY CRIMINAL DISTRICT ATTORNEY

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OPEN RECORDS DIVISION

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RQ-0131-KP

Office of the Attorney General
Attention: Opinion Committee
P.O. Box 12548
Austin, TX 78711-2548

September 26, 2016

FILE # ML-48085-16
ID # 48085

Dear Opinion Committee:

This office has been asked to seek an Attorney General's opinion regarding whether an individual who was sentenced under Arkansas Act 396, commonly referred to as the Arkansas First Offender Act and who's rights were restored pursuant to the statutes of Arkansas and so ordered by the Circuit Court in Arkansas may run for office in Texas.

This office recognizes the Full Faith and Credit provision of the United States Constitution and is of the opinion that once the rights of the individual were restored by the Court in Arkansas, his rights were restored in Texas for purposes of voting and running for office. Please take particular notice the Order Terminating Probation entered by the Circuit Court of Clark County, Arkansas on December 13, 1996.

The opinion requested asks for clarification on several issues:

1. Based on the enclosed "ORDER TERMINATING PROBATION" Docket No. CR-94-43 dated 13 December 1996, is Jessie Hicks considered a convicted felon under Texas Law?
2. Was his request for submission onto the ballot a violation of election laws?
3. Does this probation in Arkansas and subsequent termination prohibit him from running for office in Texas or holding public office?
4. Was a crime committed when he filed for a place or the ballot?

Enclosed for your review are the documents provided to this office and the correspondence of Bowie County citizen, Glenda Wilson.

Sincerely,

Jerry D. Rochelle
Bowie County Criminal District Attorney