



THE ADVOCATE...

NOVEMBER 2017

THIS EDITION: CONVICTION OF FELONY OR OTHER CRIME

THE FORUM (new)

...COMING UP IN THE DECEMBER NEWSLETTER

Welcome to *The Advocate* ... a newsletter dedicated to all Council Advocates but should also be shared with everyone in your Council and our jurisdiction. It is also available on the State web site at www.kofc.ab.ca under Publications.

This month's newsletter witnesses the introduction of a new section ... 'The Forum'. It provides an avenue to share comments and inquiries amongst Councils on various topics.

CONVICTION OF FELONY OR OTHER CRIME

This topic contains excerpts from the Officer's Desktop Reference.

The Laws of our Order incorporate the demands of justice by asserting that a member who has been convicted of a crime by a court of competent authority automatically forfeits his membership in the Knights of Columbus. Moreover, if during his membership in the Order the member is convicted of any crime, he is then subject to expulsion.

Section 168.6 - Felony conviction - automatic forfeiture of membership

Section 168.6 of the Laws of the Order provides that "[a]ny member of the Order shall, automatically, forfeit his membership in the Order ... who is convicted of a felony by a court of competent authority."

This section applies only to men who are members of the Knights of Columbus at the time of their felony conviction. It does not apply to men who were convicted of a felony offense before they submitted an application for membership in the Knights of Columbus.

The Knights of Columbus adopts the following common law definition of a felony: An offense specifically classified by the jurisdiction as a felony and for which the maximum term of imprisonment is greater than one year. There is no felony conviction when a member has been charged with a crime but has later been convicted of a lesser, non-felony offense.

Under Section 168.6, if the offense of conviction is a felony then the actual sentence imposed by the court is irrelevant; the forfeiture of membership in the Knights of Columbus is automatic.

A conviction is a court judgment that follows a trial or the entry of a plea of guilty or no contest. For purposes of Section 168.6, the conviction is final regardless of whether the member has been sentenced or has appealed his conviction to a higher court.

Section 164 requires the Grand Knight and/or the Financial Secretary to immediately notify the Supreme Secretary of an automatic forfeiture and to notify the member in writing. However, before taking this action, it is recommended that the Grand Knight contact their State Advocate. The State Advocate will initiate an investigation to confirm that a court actually recorded a conviction against the member and that the offense of conviction was a felony.

If the investigation confirms that a member has been convicted of a crime, the State Advocate will notify the State Deputy, the Membership Records Department and the Supreme Advocate at the Supreme Office.

Section 162.4 - Misdemeanor or other criminal conviction- expulsion

Section 162.4 of the Laws of the Order states, "Any member of the Order who after trial, excepting where it is provided that no trial shall be had, shall be found guilty of the conduct specified in the subdivisions following shall be fined, suspended or expelled as set forth therein, to wit: ... Conviction of a crime by a court of competent authority; expulsion."

Because Section 168.6 specifically addresses members who are criminals, it stands to reason that Section 162.4 addresses misdemeanants and other criminal offenders who hold membership in the Order. This section applies only to men who are members of the Knights of Columbus at the time of their criminal conviction. It does not act as an absolute bar to new applicants.

The Knights of Columbus adopts the following definition of a crime: An offense specifically classified by the jurisdiction as a crime and not as a civil infraction. A misdemeanor is a crime. An unclassified offense that carries the possibility of incarceration is also a crime. But an offense classified by the jurisdiction as a civil offense, a violation, a non-criminal infraction, a non-criminal petty offense, or some similar term is not a crime (collectively referred to here as "civil infractions").

Under Section 162.4, if the offense of conviction is classified as a crime, then the sentence imposed by the court is irrelevant; the member is subject to expulsion.

If the investigation confirms that the member has been convicted of a crime under Section 168.6 or 162.4 and the proper protocols have been followed to advise both Supreme and the State Advocate, then the next step is to meet with the member. Both the Grand Knight and Financial Secretary must meet with the member to explain the Laws of the Order and offer him the opportunity to resign in lieu of expulsion. Allow him some time to consider. If a resignation letter is provided it will be processed immediately. If no letter is provided, then Supreme will initiate the necessary measures for expulsion.

For further information refer to the Supreme's website Officer's Desktop Reference ... go to Membership Issues and locate the entry "5. Conviction of Felony or Other Crime."

THE FORUM

This section is designed to share information and feedback with Councils from comments or questions sent to the author.

PRAESIDIUM COURSE

The August newsletter addressed the requirement of and who in a Council must take the Praesidium course. In addition...

A Council's Grand Knight and Youth Director must take the Praesidium course and are typically relied upon to ensure that Knights of Columbus events, hosted for children or where children are included, are properly staffed and managed. Other members in the Council may take the course with the following understanding.

Granting these other members access to the training does not give them the sole ability to manage events. The generic training simply provides them with the policies and procedures of the Knights of Columbus. Since they are not mandated to take the training they will not be monitored to ensure compliance with their course completion. Also, Supreme will not perform any background screening. Giving them access to the course will act as reference for them, and they will be able to assist with the program since they will be aware of the policies and procedures if they go through with completing the entire course. However, if they are later elected / appointed to a mandated officer role then they will be required to retake the training in that officer role.

COUNCIL'S BY-LAWS

Here is some guidance on recent inquiries.

1) How often should the Council By-Laws be reviewed?

- In specific situations:
 - If an existing By-Law is amended, changed, or removed
 - If a new By-Law is added

Once approved by the Council remember to send the new set of By-Laws to Supreme for their approval and recording.

- In general, whenever a new member is elected to the position of Council Advocate then he should become knowledgeable of the Council's By-Laws and ensure they are applied properly.

2) Who on the Council reviews these By-Laws?

The Council Advocate

3) Who keeps these By-Laws on record?

They should be kept with all the other Council records but easily accessible upon demand.

...COMING UP IN THE DECEMBER NEWSLETTER

Next month we look at the “application / reinstatement after conviction of a crime or misdemeanor”.

When considering the membership status of men who have been convicted of criminal offenses, the Christian ideal is to temper justice with mercy. To this end, the Order is guided by the bishops of the United States who offer careful instruction on the topics of crime and punishment: “Saint Paul outlined our task when he told us to ‘test everything; retain what is good. Refrain from every kind of evil’ (1 Thes. 5:21). He calls us to affirm the demands of both justice and mercy, the place of punishment and forgiveness, and the reality of free will and poor choices.”¹

The Laws of the Order incorporate the demands of mercy by declaring that a man who has been removed from membership in the Knights of Columbus, whether by forfeiture or expulsion, may be eligible to petition for reinstatement.

Similarly, a new applicant who has a criminal past should not be automatically excluded from membership. The applicant must be evaluated by St. Paul’s standard of testing everything and retaining what is good.

The topics stated above will be presented in the December issue of “*The Advocate*”.

For further information on the topics presented please access the Officer’s Desktop Reference available at Supremes’ web site at www.kofc.org.

If there is a topic you wish covered in future newsletters just send a note to SA2017@kofc.ab.ca.

Your feedback is invaluable. If anyone has any questions or comments drop me a line at SA2017@kofc.ab.ca

Thank you for your attention...and God Bless.

Vivat Jesus

Sir Knight John Onyskiw

State Advocate

¹ Catholic Bishops of the United States, RESPONSIBILITY, REHABILITATION, AND RESTORATION: A CATHOLIC PERSPECTIVE ON CRIME AND CRIMINAL JUSTICE (2000).