By Representatives Futch, Crist, Bainter, Casey and Melvin

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A joint resolution proposing an amendment to

House Joint Resolution

Section 8, Article IV of the State

Constitution, relating to clemency.

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Be It Resolved by the Legislature of the State of Florida:

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That the amendment to Section 8 of Article IV of the State Constitution set forth below is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1998:

ARTICLE IV

CLEMENCY

SECTION 8. Clemency. --

- (a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.
- (b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.
- (c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under 31 sentences for crime. The qualifications, method of selection

and terms, not to exceed six years, of members of the commission shall be prescribed by law.

(d) All state prisoners lawfully sentenced to a term of years shall serve at least 85 percent of their term of imprisonment, unless granted pardon or clemency. Parole, conditional release, or any mechanism of sentence reduction may reduce the term-of-years sentence by no more than 15 percent. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IV, SECTION 8

LENGTH OF SENTENCE.--Proposing an amendment to the State Constitution which, except in cases of pardon or clemency, requires that state prisoners serve at least 85 percent of their terms of imprisonment; prohibits any sentence reduction by more than 15 percent; and requires state prisoners sentenced to life imprisonment to be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

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