

Bill No. SB 474

Barcode 114274

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Wilson) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Rosa Parks Act."

Section 2. Section 940.035, Florida Statutes, is created to read:

940.035 Pardons for convictions under segregationist laws or ordinances.--

(1)(a) Upon application to the Parole Commission, the Board of Executive Clemency should strongly consider granting a full pardon to any person convicted of protesting or challenging a state law or local government ordinance the purpose of which was to maintain racial segregation of or racial discrimination against individuals. If the convicted person is deceased, an application may be filed by a person who can show legal authority to act on behalf of the deceased

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1 person.

2 (b) The Parole Commission shall notify the state
3 attorney of the circuit where the violation occurred after the
4 date the application for a pardon is filed with the
5 commission. The Board of Executive Clemency should strongly
6 consider granting a full pardon unless the state attorney
7 files an objection with the commission on the grounds that the
8 conviction did not result from a violation of a law or local
9 government ordinance the purpose of which was to maintain
10 racial segregation of or racial discrimination against
11 individuals.

12 (c) If the state attorney objects, a hearing shall be
13 held at the next scheduled meeting of the Board of Executive
14 Clemency after the objection is filed. The Parole Commission
15 shall provide notice of the hearing to all interested parties.

16 (2) Notwithstanding subsection (1), the Board of
17 Executive Clemency is strongly encouraged to grant a pardon to
18 a convicted person who files a sworn affidavit with the board
19 stating that he or she was convicted of protesting or
20 challenging a state law or local government ordinance the
21 purpose of which was to maintain racial segregation of or
22 racial discrimination against individuals. If the information
23 in the affidavit is later found to be false, or if the
24 violation of law by the applicant had no direct relationship
25 to or no purpose whatsoever in protesting or challenging a
26 state law or local government ordinance the purpose of which
27 was to maintain racial segregation of or racial discrimination
28 against individuals, the board may void the pardon.

29 (3) A person who has received a full pardon under this
30 section is not required to disclose the fact of the conviction
31 or any record or matter relating to the conviction.

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1 Section 3. Section 940.05, Florida Statutes, is
2 amended to read:

3 940.05 Restoration of civil rights.--Any person who
4 has been convicted of a felony may be entitled to the
5 restoration of all the rights of citizenship enjoyed by him or
6 her prior to conviction if the person has:

7 (1) Received a full pardon from the board of pardons;

8 (2) Served the maximum term of the sentence imposed
9 upon him or her; ~~or~~

10 (3) Been granted his or her final release by the
11 Parole Commission; ~~or-~~

12 (4) Been convicted of protesting or challenging a
13 state law or local government ordinance the purpose of which
14 was to maintain racial segregation of or racial discrimination
15 against individuals. Such person is entitled to the
16 restoration of all rights of citizenship enjoyed by the person
17 before the conviction if the person has received a full pardon
18 from the Board of Executive Clemency.

19 Section 4. This act shall take effect upon becoming a
20 law.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

28 A bill to be entitled

29 An act relating to pardons; creating the "Rosa

30 Parks Act"; creating s. 940.035, F.S.;

31 encouraging the Board of Executive Clemency to

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1 grant a full pardon to a person convicted of
2 protesting or challenging a state law or local
3 government ordinance the purpose of which was
4 to maintain racial segregation of or racial
5 discrimination against individuals; providing
6 application procedures; requiring the Parole
7 Commission to notify the state attorney of the
8 circuit where the violation occurred; requiring
9 that the pardon be granted unless the state
10 attorney files an objection with the commission
11 on the grounds that the conviction did not
12 result from a violation of a law or ordinance
13 the purpose of which was to maintain racial
14 segregation of or racial discrimination against
15 individuals; requiring a hearing if the state
16 attorney files an objection; providing that a
17 person who receives a full pardon under the act
18 is not required to disclose the fact of the
19 conviction or any record or matter relating to
20 the conviction; amending s. 940.05, F.S.;
21 providing that a person convicted of protesting
22 or challenging laws or ordinances the purpose
23 of which was to maintain racial segregation of
24 or racial discrimination against individuals is
25 entitled to the restoration of all rights of
26 citizenship enjoyed by the person before the
27 conviction if the person has received a full
28 pardon from the Board of Executive Clemency;
29 providing an effective date.

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