

By Senator Hill

1-1A-07

1                                   A bill to be entitled  
2           An act relating to pardons; creating the "Rosa  
3           Parks Act"; creating s. 940.035, F.S.;  
4           authorizing the Board of Executive Clemency to  
5           grant a full pardon to a person convicted of  
6           protesting or challenging a state law or  
7           municipal ordinance the purpose of which was to  
8           maintain racial segregation or racial  
9           discrimination of individuals; providing  
10          application procedures; requiring the Parole  
11          Commission to notify the state attorney of the  
12          circuit where the violation occurred within a  
13          specified time; requiring that the pardon be  
14          granted unless the state attorney files an  
15          objection with the commission on the grounds  
16          that the conviction did not result from a  
17          violation of a law or ordinance the purpose of  
18          which was to maintain racial segregation or  
19          racial discrimination of individuals; requiring  
20          a hearing if the state attorney files an  
21          objection; providing that a person who receives  
22          a full pardon under the act is not required to  
23          disclose the fact of the conviction or any  
24          record or matter relating to the conviction;  
25          amending s. 940.05, F.S.; providing that a  
26          person convicted of protesting or challenging  
27          laws or ordinances the purpose of which was to  
28          maintain racial segregation or racial  
29          discrimination of individuals is entitled to  
30          the restoration of all rights of citizenship  
31          enjoyed by the person before the conviction if

1 the person has received a full pardon from the  
2 Board of Executive Clemency; providing an  
3 effective date.  
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5 Be It Enacted by the Legislature of the State of Florida:  
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7 Section 1. This act may be cited as the "Rosa Parks  
8 Act."

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

11 940.035 Pardons for convictions under segregationist  
12 laws or ordinances.--

13 (1)(a) Upon application to the Parole Commission, the  
14 Board of Executive Clemency may grant a full pardon to any  
15 person convicted of protesting or challenging a state law or  
16 municipal ordinance the purpose of which was to maintain  
17 racial segregation or racial discrimination of individuals. If  
18 the convicted person is deceased, an application may be filed  
19 by a person who can show legal authority to act on behalf of  
20 the deceased person.

21 (b) The Parole Commission shall notify the state  
22 attorney of the circuit where the violation occurred no later  
23 than 30 days after the date the application for a pardon is  
24 filed with the commission. The Board of Executive Clemency  
25 shall grant the pardon within 60 days after the application is  
26 filed unless the state attorney files an objection with the  
27 commission on the grounds that the conviction did not result  
28 from a violation of a law or ordinance the purpose of which  
29 was to maintain racial segregation or racial discrimination of  
30 individuals.  
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1        (c) If the state attorney objects, a hearing shall be  
2 scheduled within 60 days after the filed objection. The state  
3 attorney shall provide notice of the hearing to all interested  
4 parties.

5        (2) Notwithstanding subsection (1), the Board of  
6 Executive Clemency shall grant a pardon to a convicted person  
7 who files a sworn affidavit with the board stating that he or  
8 she was convicted of protesting or challenging a state law or  
9 municipal ordinance the purpose of which was to maintain  
10 racial segregation or racial discrimination of individuals. If  
11 the information in the affidavit is later found to be false,  
12 the pardon is void.

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

16        Section 3. Section 940.05, Florida Statutes, is  
17 amended to read:

18        940.05 Restoration of civil rights.--

19        (1) Any person who has been convicted of a felony may  
20 be entitled to the restoration of all the rights of  
21 citizenship enjoyed by him or her prior to conviction if the  
22 person has:

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

25        (b)(2) Served the maximum term of the sentence imposed  
26 upon him or her; or

27        (c)(3) Been granted his or her final release by the  
28 Parole Commission.

29        (2) Any person who has been convicted of protesting or  
30 challenging a state law or municipal ordinance the purpose of  
31 which was to maintain racial segregation or racial

1 discrimination of individuals is entitled to the restoration  
2 of all rights of citizenship enjoyed by the person before the  
3 conviction if the person has received a full pardon from the  
4 Board of Executive Clemency.

5 Section 4. This act shall take effect upon becoming a  
6 law.

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9 SENATE SUMMARY

10 Creates the "Rosa Parks Act." Provides that the Board of  
11 Executive Clemency may grant a full pardon to a person  
12 convicted of protesting or challenging a state law or  
13 municipal ordinance the purpose of which was to maintain  
14 racial segregation or racial discrimination of  
15 individuals. Requires the Parole Commission to notify the  
16 state attorney of the circuit where the violation  
17 occurred within a specified time. Requires that the  
18 pardon be granted unless the state attorney files an  
19 objection with the commission on the grounds that the  
20 conviction did not result from a violation of a law or  
21 ordinance the purpose of which was to maintain racial  
22 segregation or racial discrimination of individuals.  
23 Requires a hearing if the state attorney files an  
24 objection. Provides that a person convicted of protesting  
25 or challenging laws or ordinances the purpose of which  
26 was to maintain racial segregation or racial  
27 discrimination of individuals is entitled to the  
28 restoration of all rights of citizenship enjoyed by the  
29 person before the conviction if the person has received a  
30 full pardon from the Board of Executive Clemency.  
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