Florida Senate - 2007

By the Committee on Criminal Justice; and Senator Hill

591-2136-07

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	encouraging the Board of Executive Clemency to
5	grant a full pardon to a person convicted of
6	protesting or challenging a state law or local
7	government ordinance the purpose of which was
8	to maintain racial segregation of or racial
9	discrimination against individuals; providing
10	application procedures; requiring the Parole
11	Commission to notify the state attorney of the
12	circuit where the violation occurred; requiring
13	that the pardon be granted unless the state
14	attorney files an objection with the commission
15	on the grounds that the conviction did not
16	result from a violation of a law or ordinance
17	the purpose of which was to maintain racial
18	segregation of or racial discrimination against
19	individuals; requiring a hearing if the state
20	attorney files an objection; providing that a
21	person who receives a full pardon under the act
22	is not required to disclose the fact of the
23	conviction or any record or matter relating to
24	the conviction; amending s. 940.05, F.S.;
25	providing that a person convicted of protesting
26	or challenging laws or ordinances the purpose
27	of which was to maintain racial segregation of
28	or racial discrimination against individuals is
29	entitled to the restoration of all rights of
30	citizenship enjoyed by the person before the
31	conviction if the person has received a full
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1 pardon from the Board of Executive Clemency; 2 providing an effective date. 3 4 Be It Enacted by the Legislature of the State of Florida: 5 б Section 1. This act may be cited as the "Rosa Parks 7 Act." 8 Section 2. Section 940.035, Florida Statutes, is 9 created to read: 10 940.035 Pardons for convictions under segregationist 11 laws or ordinances.--12 (1)(a) Upon application to the Parole Commission, the 13 Board of Executive Clemency should strongly consider granting a full pardon to any person convicted of protesting or 14 challenging a state law or local government ordinance the 15 purpose of which was to maintain racial segregation of or 16 17 racial discrimination against individuals. If the convicted 18 person is deceased, an application may be filed by a person who can show legal authority to act on behalf of the deceased 19 2.0 person. 21 (b) The Parole Commission shall notify the state attorney of the circuit where the violation occurred after the 2.2 23 date the application for a pardon is filed with the commission. The Board of Executive Clemency should strongly 2.4 consider granting a full pardon unless the state attorney 25 files an objection with the commission on the grounds that the 26 27 conviction did not result from a violation of a law or local 2.8 government ordinance the purpose of which was to maintain racial segregation of or racial discrimination against 29 30 individuals. 31

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1	(c) If the state attorney objects, a hearing shall be
2	held at the next scheduled meeting of the Board of Executive
3	<u>Clemency after the objection is filed. The Parole Commission</u>
4	shall provide notice of the hearing to all interested parties.
5	(2) Notwithstanding subsection (1), the Board of
6	Executive Clemency is strongly encouraged to grant a pardon to
7	a convicted person who files a sworn affidavit with the board
8	stating that he or she was convicted of protesting or
9	challenging a state law or local government ordinance the
10	purpose of which was to maintain racial segregation of or
11	racial discrimination against individuals. If the information
12	in the affidavit is later found to be false, or if the
13	violation of law by the applicant had no direct relationship
14	to or no purpose whatsoever in protesting or challenging a
15	state law or local government ordinance the purpose of which
16	was to maintain racial segregation of or racial discrimination
17	against individuals, the board may void the pardon.
18	(3) A person who has received a full pardon under this
19	section is not required to disclose the fact of the conviction
20	or any record or matter relating to the conviction.
21	Section 3. Section 940.05, Florida Statutes, is
22	amended to read:
23	940.05 Restoration of civil rightsAny person who
24	has been convicted of a felony may be entitled to the
25	restoration of all the rights of citizenship enjoyed by him or
26	her prior to conviction if the person has:
27	(1) Received a full pardon from the board of pardons;
28	(2) Served the maximum term of the sentence imposed
29	upon him or her; or
30	(3) Been granted his or her final release by the
31	Parole Commission <u>; or</u> .
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1	(4) Been convicted of protesting or challenging a
2	state law or local government ordinance the purpose of which
3	was to maintain racial segregation of or racial discrimination
4	against individuals. Such person is entitled to the
5	restoration of all rights of citizenship enjoyed by the person
6	before the conviction if the person has received a full pardon
7	from the Board of Executive Clemency.
8	Section 4. This act shall take effect upon becoming a
9	law.
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11	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
12	<u>Senate Bill 474</u>
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14	 Avoids infringement on governor's constitutional pardon authority by strongly encouraging, rather than requiring,
15	granting of pardons for persons convicted of protesting or challenging a law or ordinance designed to maintain
16	racial segregation or discrimination.
17	 Provides for voiding of pardon if affidavit is found to have included false information or if the conviction was
18	not related to protesting or challenging a law or ordinance designed to maintain racial segregation or
19	discrimination.
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