

By Senator Wilson

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A bill to be entitled

An act relating to restoration of civil rights; providing a short title; providing findings and purpose; creating s. 944.294, F.S.; providing for automatic restoration of a former felon's civil rights, other than the right to vote, following completion of his or her sentence of incarceration and community supervision; providing conditions for and exemptions from automatic restoration; providing for education concerning the civil rights of people who have felony convictions; amending ss. 944.292, 944.293, and 944.705, F.S., to conform; providing applicability; providing a contingent effective date.

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

Section 1. Short title.--This act may be cited as the "Restoration of Civil Rights Act."

Section 2. Findings and purpose.--

(1) FINDINGS.--The Legislature finds that:

(a) The exercise of civil rights is a fundamental aspect of citizenship. Among many things, restoring civil rights allows former felons to participate in public service, serve on juries, and pursue a chosen occupation.

(b) Restoring civil rights helps felons who have completed their sentences to reintegrate into society. Their opportunity to fully participate in society reinforces their ties to the community and may help to prevent recidivism.

1           (c) Under current law, all persons convicted of  
2 felonies permanently lose many civil rights unless they  
3 receive discretionary executive clemency.

4           (d) The restoration of civil rights through the  
5 clemency process is cumbersome and costly and produces long  
6 delays. The clemency process imposes administrative burdens on  
7 the state and economic burdens on state taxpayers, and it  
8 should be reserved for extraordinary cases. Streamlining the  
9 restoration process for the majority of former offenders will  
10 advance administrative efficiency, fiscal responsibility,  
11 fairness, and democracy.

12           (2) PURPOSE.--The purposes of this act are to  
13 strengthen democratic institutions by enabling felons who have  
14 completed their sentences to become productive members of  
15 society, and to streamline procedures for restoring civil  
16 rights.

17           Section 3. Section 944.294, Florida Statutes, is  
18 created to read:

19           944.294 Restoration of civil rights.--

20           (1) A person who has been convicted of a felony, other  
21 than those set forth in subsection (3), shall have those civil  
22 rights that are lost as a consequence of a conviction of that  
23 felony restored upon completion of his or her sentence.  
24 However, this provision does not apply to restoration of the  
25 right to own, possess, or use firearms.

26           (2) For purposes of this section, "completion of  
27 sentence" occurs when a person is released from incarceration  
28 upon expiration of his or her sentence and has completed all  
29 other terms and conditions of the sentence or subsequent  
30 supervision or, if the person has not been incarcerated for  
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1 the felony offense, has completed all terms and conditions of  
2 supervision imposed on him or her.

3 (3)(a) A person convicted of a crime defined by any of  
4 the following statutes is ineligible for restoration of civil  
5 rights under this section:

6 1. Section 782.04, relating to murder.

7 2. Section 782.07(3), relating to aggravated  
8 manslaughter of a child.

9 3. Section 794.011, relating to sexual battery.

10 4. Section 796.03, relating to procuring a person  
11 under 18 for prostitution.

12 5. Section 796.035, relating to selling or buying  
13 minors into sex trafficking or prostitution.

14 6. Section 826.04, relating to incest.

15 7. Section 827.071, relating to sexual performance by  
16 a child.

17 8. Section 847.0145, relating to selling or buying  
18 minors.

19 (b) A person convicted of treason or whose impeachment  
20 has resulted in conviction, as referred to in s. 8, Art. IV of  
21 the State Constitution, is ineligible for restoration of civil  
22 rights under this section.

23 (4) This section does not impair the ability of any  
24 person convicted of a felony to apply for executive clemency  
25 under s. 8, Art. IV of the State Constitution.

26 (5) A court shall, before accepting a plea of guilty  
27 or nolo contendere to a felony without trial or, if a trial is  
28 held, before imposing sentence for a felony, notify the  
29 defendant as follows:

30 (a) If the felony is described in subsection (3), that  
31 conviction will result in permanent loss of civil rights

1 unless he or she receives executive clemency under s. 8, Art.  
2 IV of the State Constitution.

3 (b) If the felony is not described in subsection (3),  
4 that conviction will result in loss of civil rights until the  
5 defendant completes his or her sentence and that civil rights  
6 will be restored thereafter, except for the right to own,  
7 possess, or use firearms.

8 (6) The Secretary of State shall develop and implement  
9 a program to educate attorneys, judges, election officials,  
10 corrections officials, including parole and probation  
11 officers, and members of the public about the requirements of  
12 this section, ensuring that:

13 (a) Judges are informed of their obligation to notify  
14 criminal defendants of the potential loss and restoration of  
15 their civil rights as required by subsection (5).

16 (b) Accurate and complete information about the civil  
17 rights of people who have been charged with or convicted of  
18 crimes, whether disenfranchising or not, is made available  
19 through a single publication to government officials and the  
20 public.

21 Section 4. Subsection (1) of section 944.292, Florida  
22 Statutes, is amended to read:

23 944.292 Suspension of civil rights.--

24 (1) Upon conviction of a felony as defined in s. 10,  
25 Art. X of the State Constitution, the civil rights of the  
26 person convicted shall be suspended in Florida until such  
27 rights are restored by a full pardon, conditional pardon, or  
28 restoration of civil rights granted pursuant to s. 8, Art. IV  
29 of the State Constitution or by restoration of civil rights  
30 pursuant to s. 944.294.

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1           Section 5. Section 944.293, Florida Statutes, is  
2 amended to read:

3           944.293 Initiation of restoration of civil  
4 rights.--With respect to those persons convicted of a felony,  
5 the following procedure shall apply: Prior to the time an  
6 offender who has committed an offense enumerated in s.  
7 944.294(3) is discharged from the custody, control, or  
8 supervision of the department, an authorized agent of the  
9 department shall obtain from the Governor the necessary  
10 application and other forms required for the restoration of  
11 civil rights. The authorized agent shall assist the offender  
12 in completing these forms and shall ensure that the  
13 application and all necessary material are forwarded to the  
14 Governor before the offender is discharged from supervision.

15           Section 6. Present paragraph (g) of subsection (2) of  
16 section 944.705, Florida Statutes, is redesignated as  
17 paragraph (h), and a new paragraph (g) is added to that  
18 subsection, to read:

19           944.705 Release orientation program.--

20           (2) The release orientation program instruction must  
21 include, but is not limited to:

22           (g) Restoration of civil rights.

23           Section 7. This act shall take effect on the effective  
24 date of Senate Joint Resolution \_\_\_ or another amendment to  
25 the State Constitution which authorizes, or removes  
26 impediments to, enactment of this act by the Legislature and  
27 shall apply retroactively to all persons who are eligible for  
28 the restoration of civil rights under its terms, regardless of  
29 whether they were convicted or discharged from sentence prior  
30 to its effective date.

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SENATE SUMMARY

Provides findings and purpose. Provides for the automatic restoration of a former felon's civil rights, other than the right to vote, following completion of his or her sentence of incarceration and community supervision. Provides conditions for and exemptions from automatic restoration.