



408504

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
3/25/2008	.	
	.	
	.	

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

3
 4 **Senate Amendment (with title amendment)**

5 Between line(s) 14 and 15,
 6 insert:

7
 8 Section 1. Short title.--This act may be cited as the
 9 "Restoration of Civil Rights Act."

10 Section 2. Legislative findings and purpose.--

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

12 (a) The exercise of civil rights is a fundamental aspect
 13 of citizenship. Among many things, restoring civil rights allows
 14 people with felony convictions to participate in public service,
 15 serve on juries, and pursue a chosen occupation.

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16 (b) Restoring civil rights helps people who have completed
17 their felony sentences to reintegrate into society. An
18 opportunity to fully participate in society reinforces their
19 ties to the community and may help to prevent recidivism.

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

23 (d) The restoration of civil rights through the clemency
24 process is cumbersome, costly, and lengthy for applicants, and
25 imposes administrative burdens on the state and economic burdens
26 on the taxpayers. Automatic restoration of civil rights will
27 advance administrative efficiency, fiscal responsibility,
28 fairness, and democracy.

29 (2) PURPOSE.--The purposes of this act are to strengthen
30 democratic institutions by enabling people who have completed
31 their felony sentences to become productive members of society
32 and to make civil rights restoration automatic upon completion
33 of sentence.

34 Section 3. Section 944.294, Florida Statutes, is created
35 to read:

36 944.294 Restoration of civil rights.--

37 (1) A person who has been convicted of a felony, other
38 than those set forth in subsection (3), shall have his or her
39 civil rights that are lost as a consequence of a conviction of
40 the felony automatically restored upon completion of such
41 person's sentence. This section applies retroactively to all
42 persons who are eligible for the restoration of civil rights,
43 regardless of whether such persons were convicted or discharged

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44 from sentence before the effective date of this act. However,
45 this section does not apply to the restoration of a person's
46 right to own, possess, or use firearms.

47 (2) For purposes of this section, "completion of sentence"
48 occurs when a person is released from incarceration upon
49 expiration of his or her sentence and has satisfied all other
50 nonmonetary terms and conditions of the sentence or subsequent
51 supervision. If the person was not incarcerated for the felony
52 offense, "completion of sentence" occurs when he or she has
53 satisfied all nonmonetary terms and conditions of supervision
54 imposed on him or her.

55 (3) A person convicted of treason or whose impeachment has
56 resulted in conviction, as referred to in s. 8, Art. IV of the
57 State Constitution, is ineligible for restoration of civil
58 rights under this section.

59 (4) A court shall, before accepting a plea of guilty or
60 nolo contendere to a felony charge or, if a trial is held,
61 before imposing sentence for a felony, notify the defendant that
62 conviction will result in loss of civil rights until the
63 defendant completes his or her sentence and that civil rights
64 will automatically be restored thereafter, except for the right
65 to own, possess, or use firearms.

66 (5) The Secretary of State shall develop and implement a
67 program to educate attorneys, judges, election officials,
68 corrections officials, including parole and probation officers,
69 and members of the public about the requirements of this section
70 and ensure that:

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71 (a) Judges are informed of their obligation to notify
72 criminal defendants of the potential loss and automatic
73 restoration of their civil rights as required by subsection (4).

74 (b) Accurate and complete information about the civil
75 rights of people who have been charged with or convicted of
76 crimes, whether disenfranchising or not, is made available
77 through a single publication to government officials and the
78 public.

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

81 944.292 Suspension of civil rights.--

82 (1) Upon conviction of a felony as defined in s. 10, Art.
83 X of the State Constitution, the civil rights of the person
84 convicted shall be suspended in Florida until such rights are
85 restored by a full pardon, conditional pardon, ~~or~~ restoration of
86 civil rights granted pursuant to s. 8, Art. IV of the State
87 Constitution, or by automatic restoration of civil rights
88 pursuant to s. 944.294.

89 Section 5. Section 944.293, Florida Statutes, is amended
90 to read:

91 944.293 Initiation of restoration of civil rights.--With
92 respect to those persons convicted of a felony, the following
93 procedure shall apply: Prior to the time a person convicted of a
94 felony ~~an offender~~ is discharged from the custody, control, or
95 supervision of the department, an authorized agent of the
96 department shall inform the person that his or her civil rights
97 shall be automatically restored without any further action by
98 such person or the state and immediately upon discharge and

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99 satisfaction of all nonmonetary terms and conditions of
100 supervision ~~obtain from the Governor the necessary application~~
101 ~~and other forms required for the restoration of civil rights.~~
102 ~~The authorized agent shall assist the offender in completing~~
103 ~~these forms and shall ensure that the application and all~~
104 ~~necessary material are forwarded to the Governor before the~~
105 ~~offender is discharged from supervision.~~

106 Section 6. Present paragraph (g) of subsection (2) of
107 section 944.705, Florida Statutes, is redesignated as paragraph
108 (h), and a new paragraph (g) is added to that subsection, to
109 read:

110 944.705 Release orientation program.--

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

113 (g) Restoration of civil rights.

114 Section 7. Paragraph (b) of subsection (2) of section
115 97.041, Florida Statutes, is amended to read:

116 97.041 Qualifications to register or vote.--

117 (2) The following persons, who might be otherwise
118 qualified, are not entitled to register or vote:

119 (b) A person who has been convicted of any felony by any
120 court of record; such a person's right to register or vote is
121 automatically restored by operation of law immediately after
122 completion of his or her sentence. For the purposes of this
123 paragraph, "completion of sentence" occurs when a person is
124 released from incarceration upon expiration of his or her
125 sentence and has satisfied all other nonmonetary terms and
126 conditions of the sentence or subsequent supervision. If the



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127 person was not incarcerated for the felony offense, "completion
 128 of sentence" occurs when he or she has satisfied all nonmonetary
 129 terms and conditions of supervision imposed on him or her and
 130 ~~who has not had his or her right to vote restored pursuant to~~
 131 ~~law.~~

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

133 And the title is amended as follows:

134 Delete line(s) 2

135 and insert:

136

137 An acting relating to criminal justice; providing a short
 138 title; providing legislative findings and a purpose;
 139 creating s. 944.294, F.S.; providing that a person's civil
 140 rights are automatically restored under certain
 141 circumstances except for the right to own, possess, or use
 142 a firearm; providing for retroactivity; defining the term
 143 "completion of sentence"; providing an exception;
 144 requiring the Secretary of State to develop and implement
 145 a program to educate certain persons and the public
 146 regarding the restoration of civil rights; amending ss.
 147 944.292, 944.293, 944.705, and 97.041, F.S.; conforming
 148 provisions to changes made by the act;