

By Senator Wilson

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1 A bill to be entitled

2 An act relating to restoration of civil rights; providing
3 a short title; providing findings and purpose; creating s.
4 944.294, F.S.; providing for automatic restoration of a
5 former felon's civil rights following completion of his or
6 her sentence of incarceration and community supervision;
7 providing that the restoration of civil rights does not
8 apply to the right to own, possess, or use firearms;
9 providing conditions for and exemptions from automatic
10 restoration; providing for education concerning the civil
11 rights of people who have felony convictions; amending ss.
12 944.292, 944.293, and 944.705, F.S., to conform; providing
13 applicability; providing a contingent effective date.

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

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

19 Section 2. Findings and purpose.--

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

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

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

29 (c) Under current law, all persons convicted of felonies

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30 permanently lose many civil rights unless they receive
31 discretionary executive clemency.

32 (d) The restoration of civil rights through the clemency
33 process is cumbersome and costly and produces long delays. The
34 clemency process imposes administrative burdens on the state and
35 economic burdens on state taxpayers, and it should be reserved
36 for extraordinary cases. Streamlining the restoration process for
37 the majority of former offenders will advance administrative
38 efficiency, fiscal responsibility, fairness, and democracy.

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

43 Section 3. Section 944.294, Florida Statutes, is created to
44 read:

45 944.294 Restoration of civil rights.--

46 (1) A person who has been convicted of a felony, other than
47 those set forth in subsection (3), shall have those civil rights
48 that are lost as a consequence of a conviction of that felony
49 restored upon completion of his or her sentence. However, this
50 section does not apply to restoration of the right to own,
51 possess, or use firearms.

52 (2) For purposes of this section, "completion of sentence"
53 occurs when a person is released from incarceration upon
54 expiration of his or her sentence and has completed all other
55 terms and conditions of the sentence or subsequent supervision
56 or, if the person has not been incarcerated for the felony
57 offense, has completed all terms and conditions of supervision
58 imposed on him or her.

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

62 1. Section 782.04, relating to murder.

63 2. Section 782.07(3), relating to aggravated manslaughter
64 of a child.

65 3. Section 794.011, relating to sexual battery.

66 4. Section 796.03, relating to procuring a person under 18
67 for prostitution.

68 5. Section 796.035, relating to selling or buying minors
69 into sex trafficking or prostitution.

70 6. Section 826.04, relating to incest.

71 7. Section 827.071, relating to sexual performance by a
72 child.

73 8. Section 847.0145, relating to selling or buying minors.

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

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

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

85 (a) If the felony is described in subsection (3), that
86 conviction will result in permanent loss of civil rights unless
87 he or she receives executive clemency under s. 8, Art. IV of the

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88 State Constitution.

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

94 (6) The Secretary of State shall develop and implement a
95 program to educate attorneys, judges, election officials,
96 corrections officials, including parole and probation officers,
97 and members of the public about the requirements of this section,
98 ensuring that:

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

102 (b) Accurate and complete information about the civil
103 rights of people who have been charged with or convicted of
104 crimes, whether disenfranchising or not, is made available
105 through a single publication to government officials and the
106 public.

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

109 944.292 Suspension of civil rights.--

110 (1) Upon conviction of a felony as defined in s. 10, Art. X
111 of the State Constitution, the civil rights of the person
112 convicted shall be suspended in Florida until such rights are
113 restored by a full pardon, conditional pardon, or restoration of
114 civil rights granted pursuant to s. 8, Art. IV of the State
115 Constitution or by restoration of civil rights pursuant to s.
116 944.294.

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117 Section 5. Section 944.293, Florida Statutes, is amended to
118 read:

119 944.293 Initiation of restoration of civil rights.--With
120 respect to those persons convicted of a felony, the following
121 procedure shall apply: Prior to the time an offender who has
122 committed an offense enumerated in s. 944.294(3) is discharged
123 from the custody, control, or supervision of the department, an
124 authorized agent of the department shall obtain from the Governor
125 the necessary application and other forms required for the
126 restoration of civil rights. The authorized agent shall assist
127 the offender in completing these forms and shall ensure that the
128 application and all necessary material are forwarded to the
129 Governor before the offender is discharged from supervision.

130 Section 6. Present paragraph (g) of subsection (2) of
131 section 944.705, Florida Statutes, is redesignated as paragraph
132 (h), and a new paragraph (g) is added to that subsection, to
133 read:

134 944.705 Release orientation program.--

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

137 (g) Restoration of civil rights.

138 Section 7. This act shall take effect on the effective date
139 of Senate Joint Resolution ___ or another amendment to the State
140 Constitution which authorizes, or removes impediments to,
141 enactment of this act by the Legislature and shall apply
142 retroactively to all persons who are eligible for the restoration
143 of civil rights under its terms, regardless of whether they were
144 convicted or discharged from sentence prior to its effective
145 date.