

By Senator Hill

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

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32 Section 1. This act may be cited as the "Rosa Parks Act."

33 Section 2. Section 940.035, Florida Statutes, is created to
34 read:

35 940.035 Pardons for convictions under segregationist laws
36 or ordinances.--

37 (1) (a) Upon application to the Parole Commission, the Board
38 of Executive Clemency should strongly consider granting a full
39 pardon to any person convicted of protesting or challenging a
40 state law or local government ordinance the purpose of which was
41 to maintain racial segregation of or racial discrimination
42 against individuals. If the convicted person is deceased, an
43 application may be filed by a person who can show legal authority
44 to act on behalf of the deceased person.

45 (b) The Parole Commission shall notify the state attorney
46 of the circuit where the violation occurred after the date the
47 application for a pardon is filed with the commission. The Board
48 of Executive Clemency should strongly consider granting a full
49 pardon unless the state attorney files an objection with the
50 commission on the grounds that the conviction did not result from
51 a violation of a law or local government ordinance the purpose of
52 which was to maintain racial segregation of or racial
53 discrimination against individuals.

54 (c) If the state attorney objects, a hearing shall be held
55 at the next scheduled meeting of the Board of Executive Clemency
56 after the objection is filed. The Parole Commission shall provide
57 notice of the hearing to all interested parties.

58 (2) Notwithstanding subsection (1), the Board of Executive

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59 Clemency is strongly encouraged to grant a pardon to a convicted
60 person who files a sworn affidavit with the board stating that he
61 or she was convicted of protesting or challenging a state law or
62 local government ordinance the purpose of which was to maintain
63 racial segregation of or racial discrimination against
64 individuals. If the information in the affidavit is later found
65 to be false, or if the violation of law by the applicant had no
66 direct relationship to or no purpose whatsoever in protesting or
67 challenging a state law or local government ordinance the purpose
68 of which was to maintain racial segregation of or racial
69 discrimination against individuals, the board may void the
70 pardon.

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

74 Section 3. Section 940.05, Florida Statutes, is amended to
75 read:

76 940.05 Restoration of civil rights.--Any person who has
77 been convicted of a felony may be entitled to the restoration of
78 all the rights of citizenship enjoyed by him or her prior to
79 conviction if the person has:

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

81 (2) Served the maximum term of the sentence imposed upon
82 him or her; ~~or~~

83 (3) Been granted his or her final release by the Parole
84 Commission; ~~or~~

85 (4) Been convicted of protesting or challenging a state law
86 or local government ordinance the purpose of which was to
87 maintain racial segregation of or racial discrimination against

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88 | individuals. Such person is entitled to the restoration of all
89 | rights of citizenship enjoyed by the person before the conviction
90 | if the person has received a full pardon from the Board of
91 | Executive Clemency.

92 | Section 4. This act shall take effect upon becoming a law.