

By Senator Thompson

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1 A bill to be entitled
2 An act relating to restoration of civil rights;
3 providing a short title; providing findings and
4 purpose; creating s. 944.294, F.S.; providing for
5 automatic restoration of a former felon's civil rights
6 under certain circumstances; providing conditions for
7 and exemptions from automatic restoration; providing
8 for education concerning the civil rights of persons
9 who have felony convictions; amending ss. 944.292 and
10 944.705, F.S.; conforming provisions; providing for
11 retroactive applicability; providing a contingent
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 Section 2. Legislative findings and purpose.—

19 (1) FINDINGS.—The Legislature finds that:

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

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

28 (c) Under current law, all persons convicted of felonies
29 permanently lose many civil rights unless they receive

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30 discretionary executive clemency.

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

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

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

44 944.294 Restoration of civil rights.—

45 (1) A person who has been convicted of a felony, other than
46 those set forth in subsection (3), shall have his or her civil
47 rights that are lost as a consequence of a conviction of that
48 felony restored upon completion of his or her sentence. However,
49 this provision does not apply to restoration of the right to
50 own, possess, or use firearms pursuant to s. 790.23.

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

58 (3) (a) A person convicted of a crime defined by any of the

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59 following is ineligible for restoration of civil rights under
60 this section:

61 1. Section 782.04, relating to murder.

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

64 3. Section 794.011, relating to sexual battery.

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

67 5. Section 796.035, relating to selling or buying minors
68 into prostitution.

69 6. Section 826.04, relating to incest.

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

72 8. Section 847.0145, relating to selling or buying minors,
73 otherwise obtaining custody or control of minors, or offering to
74 do the same.

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

79 (4) This section does not impair the ability of any person
80 convicted of a felony to apply for executive clemency under s.
81 8, Art. IV of the State Constitution.

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

86 (a) The felony is described in subsection (3), that
87 conviction will result in permanent loss of civil rights unless

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88 he or she receives executive clemency under s. 8, Art. IV of the
89 State Constitution.

90 (b) The felony is not described in subsection (3), that
91 conviction will result in loss of civil rights until the
92 defendant completes his or her sentence and that civil rights
93 will be restored thereafter, except for the right to own,
94 possess, or use firearms pursuant to s. 790.23.

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

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

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

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

110 944.292 Suspension of civil rights.—

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

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117 944.294.

118 Section 5. Present paragraph (g) of subsection (2) of
119 section 944.705, Florida Statutes, is redesignated as paragraph
120 (h), and a new paragraph (g) is added to that subsection, to
121 read:

122 944.705 Release orientation program.—

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

125 (g) Restoration of civil rights.

126 Section 6. This act applies retroactively to all persons
127 who are eligible for restoration of civil rights under the terms
128 of this act, regardless of whether such persons were convicted
129 or discharged from sentence before the effective date of this
130 act.

131 Section 7. This act shall take effect on the effective date
132 of _____ or another amendment to the State Constitution that
133 authorizes, or removes impediments to, enactment of this act by
134 the Legislature.