

# Race Matters in the News



## **Race, Policy, and Felony Disenfranchisement**

**Presented by  
Professor Meshon Rawls  
September 19, 2016 for the**

**Center for the Study of Race and Race  
Relations**

# Restoration of Civil Rights In Florida

Constitution of the State of Florida as revised in 1968

## ARTICLE VI, SECTION 4.

### Disqualifications.--

- (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

## ARTICLE IV, SECTION 8A.

Except in cases of treason and in cases where impeachment results in conviction, **the governor may**, by executive order filed with the secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, **with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights**, commute punishment, and remit fines and forfeitures for offenses.

# Loss of RCR & Firearms Chart<sup>1</sup>



CHART # 1 – LOSS AND RESTORATION OF CIVIL RIGHTS AND FIREARMS PRIVILEGES				
State	Vote	Jury Service	Public Office	Firearms Privileges
<b>Alabama</b>	Any felony involving “moral turpitude;” restored by administrative process or pardon. Ala. Const. art. VIII, § 177; Ala. Code § 15-22-36.1.	Any felony involving “moral turpitude;” restored by pardon. Ala. Code §§ 12-16-60(a)(4); 15-22-36(c).	Any felony involving “moral turpitude;” restored by pardon. Ala. Code § 36-2-1; see Ala. Code § 15-22-36.1(a)(1), (3).	Handgun privileges lost upon conviction of “crime of violence;” restored by pardon. Ala. Code §§ 13A-11-70(1), 13A-11-72; <i>State ex rel. Sokira v. Burr</i> , 580 So. 2d 1340, 1345 (Ala. 1991).
<b>Alaska</b>	Any felony; restored upon completion of sentence. Alaska Stat. §§ 09.20.020; 15.05.030(a); 33.30.241.	Same as vote. Alaska Stat. §§ 09.20.020; 15.05.030(a); 33.30.241.	Same as vote. Alaska Stat. §§ 09.20.020; 15.05.030(a); 33.30.241; e.g., Alaska Stat. §§ 15.25.030(10), 39.05.100.	Concealable weapon privileges lost for ten years for non-violent felonies; otherwise permanent, restored by pardon. Alaska Stat. §§ 11.61.200(a)(1),(b)(1).
<b>Arizona</b>	Any felony; restored for first offenders upon discharge, recidivists by set-aside or pardon. Ariz. Const. art. V, § 5, art. VII, § 2(C), Ariz. Rev. Stat. §§ 13-904(A)(1), 13-906, 13-908, 13-912, 16-101(A)(5).	Same as vote. Ariz. Const. art. V, § 5, Ariz. Rev. Stat. §§ 13-904(A)(3), 13-906, 13-908, 13-912.	Same as vote. Ariz. Const. art. V, § 5, Ariz. Rev. Stat. §§ 13-904(A)(2), 13-906, 13-908, 13-912.	All firearms privileges lost for felony conviction; restored by court on sliding timetable, or by pardon; dangerous offenses only by pardon. Ariz. Admin. Code § R5-4-101(6), Ariz. Rev. Stat. §§ 13-904(A)(5), 13-906.
<b>Arkansas</b>	Any felony; restored upon completion of sentence. Ark. Const. art. III, §§ 1.	Any felony; restored by pardon. Ark. Code Ann. § 16-31-102(a)(4).	Any malfeasance in office; restored by expungement. Ark. Const. art. V, § 9; Ark. Code Ann. §§ 16-93-301 <i>et seq.</i>	All firearms privileges lost for felony conviction; restored by expungement or pardon. Ark. Code Ann. § 5-73-103; see also <i>Irvin v. State</i> , 784 S.W.2d 763 (Ark. 1990).
<b>California</b>	Any felony if sentenced to a term of imprisonment; restored upon completion of sentence, including parole. Cal. Const. art. II, § 4. Those serving community supervision sentence may vote, effective 8/2015.	Any felony or malfeasance in office, restored by pardon. Cal. Const. art. V, § 8(a); Cal. Civ. Proc. § 203(a)(5). Cal. Penal §§ 4800, 4812-13.	Any malfeasance in office, restored by pardon. Cal. Const. art. V, § 8(a); Cal. Civ. Proc. § 203(a)(5). Cal. Penal §§ 4800, 4812-13.	All firearms privileges lost for felony and misdemeanor involving use of firearm; restored by pardon (ex. dangerous offenses). Certain misdemeanor offenses, including domestic violence, may result in loss for 10 years. Cal. Penal §§ 12021(a), 4852.17.
<b>Colorado</b>	Any felony if sentenced to imprisonment; restored upon discharge, including parole. Colo. Const. art. 7, § 10.	Not lost.	Any felony while incarcerated or on parole; restored upon completion of sentence. Col. Rev. Stat. § 18-1.3-401(3).	All firearms privileges for felony, restored by pardon. Col. Rev. Stat. § 18-12-108(1), (2).

Margaret Colgate Love, NACDL Restoration of Rights Resource Project, July 2016

# Loss of RCR & Firearms Chart



<b>Connecticut</b>	Any felony if sentenced to imprisonment; restored upon discharge, including parole. Also lost while on probation for election law violation. Conn. Gen. Stat. § 9-46(a).	Any felony; automatically restored 7 years after conviction (unless the individual still incarcerated). Conn. Gen. Stat. § 51-217(a)(2).	Same as vote. Conn. Gen. Stat. § 9-46(a).	Handgun privileges for felony convictions and "serious juvenile offenses"; restored by pardon. Conn. Gen. Stat. §§ 29-28(b), 29-32; <i>see also</i> §§ 53a-217(a), 29-36f(b).
<b>Delaware</b>	Any felony, misdemeanor election law offenses; restored upon expiration of sentence for most felonies and after 10 yrs for election law misdemeanors. Some felonies (e.g., murder, sex offenses) restored only by pardon. Del. Const. art. V, §§ 2,7, Del. Code Ann. tit. 15, §§ 1701, 6103-05.	Any felony; restored by pardon. Del. Code Ann. tit. 10, § 4509(b)(6).	Any "infamous crime" as determined by a court; cannot be automatically restored by pardon or otherwise. Del. Const. art. II, § 21, art. XV, § 6; <i>see</i> Del. Code Ann. tit. 11, § 4364.	All firearms privileges for any felony and crimes of violence, drug offenses, and domestic violence crimes; restored only by pardon. Del. Code Ann. tit. 11, §§ 1448(a)(1), (3), (7); <i>see also</i> Del. Op. Att'y Gen. 03-IB04, 2003 WL 1088725 (Feb. 4, 2003). Bar for non-felonies lasts only five years. § 1448(d).
<b>District of Columbia</b>	Any felony and certain misdemeanor election law violations while incarcerated; restored upon release. D.C. Mun. Regs. tit. 3, § 500.3; D.C. Code §§ 1-1001.14, 1-1105.07.	Any felony; can be restored one year after completion of sentence after certain certification procedures. D.C. Code. § 11-1906(b)(2)(B).	Same as vote. D.C. Code § 1-204.02.	All firearms privileges for certain classes of sex offenders, crimes of violence, and weapons offenses; lost for five years for drug offenses or crimes involving threats of bodily harm. D.C. Code § 7-2502.03.
<b>Florida</b>	Any felony; restored by pardon or restoration of rights 5 years after discharge (7 years for serious offenses). Fla. Const. art. VI, § 4; Fla. Stat. ch. 944.292(1).	Same as vote. Fla. Const. art. VI, § 4; Fla. Stat. ch. 944.292(1).	Same as vote. Fla. Const. art. VI, § 4; Fla. Stat. ch. 944.292(1).	All firearms privileges for felony convictions; restored by pardon after 8-year eligibility waiting period. Fla. Stat. §§ 790.001(6), 790.23(1).
<b>Georgia</b>	Any felony involving moral turpitude; restored upon completion of sentence. Ga. Const. art. II, § 1, para. III(a).	Any felony involving moral turpitude; restored by pardon, or restoration 10 years after discharge. 1983 Ga. Op. Att'y Gen. 69 (No. 83-33), 1983 WL 41667 (May 27, 1983).	Any felony involving moral turpitude; restored by pardon or by restoration of civil rights. Ga. Const. art. II, § 2, para. III.	All firearms privileges for felonies; first offenders may apply for a license 10 years after discharge, five years for deferred adjudication, otherwise by pardon. Ga. Code Ann. § 16-11-131(b)-(c).
<b>Hawaii</b>	Any felony while actually incarcerated; restored upon release. Haw. Rev. Stat. § 831-2(a)(1).	Any felony; restored upon completion of sentence. Haw. Rev. Stat. § 612-4(b)(2).	Any felony; restored by pardon. Haw. Rev. Stat. § 831-5.	All firearms privileges for felonies, crimes involving drugs or violence; relief by pardon. Haw. Rev. Stat. § 134-7(a), (b), (d); <i>cf.</i> Haw. Op. Att'y Gen. No. 81-12, 1981 WL 37235 (1981).

# RCR Granted 2014-2015<sup>2</sup>



## DATA TABLES

**TABLE I**  
PERSONS GRANTED RCR  
Calendar Years 2014 & 2015

CLEMENCY TYPE	PERSONS GRANTED RCR IN 2014	PERSONS GRANTED RCR IN 2015	TOTAL
Restoration of Civil Rights	562	427	989

**TABLE II**  
PERSONS REOFFENDING WITH NEW FELONY CONVICTION  
Calendar Years 2014 & 2015

CALENDAR YEAR GRANTED	TOTAL PERSONS GRANTED RCR	TOTAL PERSONS REOFFENDING WITH NEW FELONY CONVICTION	PERCENTAGE OF PERSONS REOFFENDING WITH NEW FELONY CONVICTION
2014	562	3	0.5%
2015	427	1	0.2%
Total	989	4	0.4%

**TABLE III**  
PERSONS RETURNED TO FDC CUSTODY BY REPORT YEAR & CURRENT YEAR

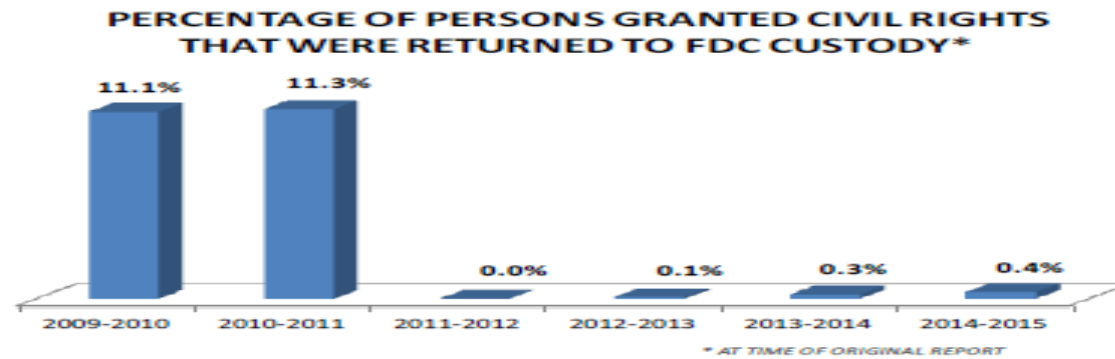
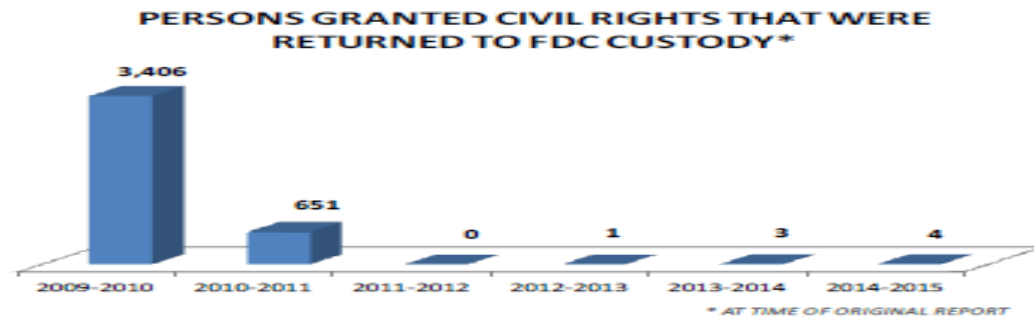
RCR RECIDIVISM REPORT YEAR	CALENDAR YEARS	PERSONS GRANTED RCR*	PERSONS RETURNED TO FDC CUSTODY AT TIME OF ORIGINAL REPORT	PERCENTAGE AT TIME OF ORIGINAL REPORT	PERSONS RETURNED TO FDC CUSTODY AS OF 6/8/16	PERCENTAGE AS OF 6/8/16
Jul 01, 2011	2009-2010	30,672	3,406	11.1%	8,340	27.2%
Jul 01, 2012	2010-2011	5,771	651	11.3%	1,477	25.6%
Jul 01, 2013	2011-2012	420	0	0.0%	2	0.5%
Jul 01, 2014	2012-2013	911	1	0.1%	5	0.5%
Jul 01, 2015	2013-2014	1,131	3	0.3%	7	0.6%
Jul 01, 2016	2014-2015	989	4	0.4%	4	0.4%

\* THE FLORIDA RULES OF EXECUTIVE CLEMENCY WERE AMENDED ON MARCH 9, 2011 TO INCLUDE ELIGIBILITY CRITERIA FOR RESTORATION OF CIVIL RIGHTS.

# RCR Recidivism<sup>2</sup>



## DATA GRAPHS



# Executive Clemency Timeline<sup>2</sup>



- On September 1, 2014 there were 20,345 pending cases.
- As of December 1, 2015 there were 20,305 pending cases.
  - 551 were RCR cases without a hearing
  - 10,558 were RCR cases with a hearing
  - 9,187 were non RCR cases with a hearing



# Florida Commission on Offender Review



\*Florida Commission on Offender Review



# State by State Data – Florida<sup>3</sup>



## Felony Disenfranchisement (2010)

Disenfranchised population (% of population)	1,541,602 (10.4%)
Disenfranchised African Americans (% of population)	520,521 (23.3%)

# Say Yes to Second Chances Campaign



*"...And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil..."*

The **Say Yes to Second Chances** campaign and **Faith in Florida** invite congregations from across the state to join us in collecting voting restoration petitions to give almost **2 million** Floridians a second chance at redemption. Please join us on the **second sunday** of each month in preaching and teaching on **second chances** and redemption, and join us in our effort to collect thousands of signed petitions from across Florida.

To participate, or for more information, please contact:  
Desmond Meade, [dmeade@faithinflorida.org](mailto:dmeade@faithinflorida.org) or  
Jabari Paul, [jpaul@faithinflorida.org](mailto:jpaul@faithinflorida.org)



**LET MY PEOPLE VOTE**

# Sources



## 1. Current status of RCR in the US:

- ✦ <http://ccresourcecenter.org/resources-2/restoration-of-rights/chart-1-loss-and-restoration-of-civil-rights-and-firearms-privileges/>

## 2. Clemency Action Reports:

- ✦ <https://www.fcor.state.fl.us/docs/reports/RecidivismReport2014-2015.pdf>

## 3. The Sentencing Project:

- ✦ <http://www.sentencingproject.org/the-facts/#map?dataset-option=SIR>

# Application Assistance



**For local assistance  
contact the  
University of Florida Levin College of Law  
Virgil Hawkins Civil Clinic at  
(352) 273-0800.**



**NOT  
LOCKED  
UP  
BUT STILL  
LOCKED  
OUT ...**