

## **2011 Rights Restoration Eligibility Criteria:**

ALL people with past felony convictions:

Complete sentence and supervision

No outstanding detainers or pending criminal charges

No court-ordered restitution

Must complete mandatory waiting period

Process of restoration depends on which of 2 categories a person falls into:

- 1) Without a hearing
- 2) With a hearing

### **Without a hearing**

- 1) An individual **could not** have committed any of the disqualifying felony convictions listed within the 2011 Rules of Executive Clemency. See crimes listed under Rule 9A (#4-#5).
- 2) Individuals must complete a 5-year waiting period which ends 5 years after completion of terms of sentence. During the waiting period, an individual must remain arrest-free and conviction-free.

A hearing is NOT required

All individuals MUST submit an application

All applications MUST attach a set of “sentencing documents” and “charging instruments”

Completed Application is reviewed by Parole Commission

“Preliminary Review List” sent to Board of Executive Clemency

Executive Order signed by Governor, plus two other members

Certificate of RCR sent out to last known address

### **With a hearing**

- 1) An individual qualifies for civil rights restoration “with a hearing,” if the individual has committed one of the disqualifying felony convictions listed in the 2011 Rules of Clemency [Rule 9A (#4-#5)]
- 2) Individuals must complete a 7-year waiting period which ends 7 years after completion of terms of sentence. During the waiting period, an individual must remain free of a felony conviction.

A hearing is MANDATORY

All individuals MUST submit an application

All applications MUST attach a set of “sentencing documents” and “charging instruments”

Case MUST be heard by Executive Clemency Board

Executive Order signed by Governor, plus two other members

Certificate of RCR sent out to last known address

### Disqualifying Offenses

- a. murder, attempted murder, attempted felony murder, manslaughter (F.S. Chapter 782);
- b. DUI manslaughter, DUI Serious Bodily Injury (F.S. 316.193);
- c. leaving the Scene of Accident involving Injury or Death;
- d. sexual battery, attempted sexual battery, unlawful sexual activity with a minor, female genital mutilation (F.S. Chapter 794)
- e. any violation of F.S. Chapter 800;
- f. lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person (F.S. 825.1025);
- g. sexual performance by a child, attempted sexual performance by a child (F.S. 827.071);
- h. aggravated child abuse (F.S. 827.03);
- i. failure to register as a sexual predator (F.S. 775) or sexual offender ( F.S. 943.0435);
- j. computer pornography, transmission of computer pornography, or any crime involving a minor in violation of F.S. Chapter 847;
- k. kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child (F.S. Chapter 787);
- l. aggravated battery, attempted aggravated battery (F.S. 784.045), felony battery, domestic battery by strangulation (F.S. 784.041);

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- m. robbery, carjacking, attempted carjacking, home invasion, attempted home invasion (F.S. Chapter 812);
- n. poisoning of food or water (F.S. 859.01);
- o. abuse of a dead human body (F.S. 872.06);
- p. burglary of a dwelling, first degree burglary, or attempted first degree burglary (F.S. 810.02);
- q. arson, attempted arson, or conspiracy to commit arson (F.S. 806.01);
- r. aggravated assault (F.S. 784.021);
- s. aggravated stalking (F.S. 784.048);
- t. aggravated battery, battery, or aggravated assault on a law enforcement officer or other specified officer (F.S. 784.07);
- u. trafficking or conspiracy to traffic in illegal substances (F.S. 893.135); all other first and second degree felonies described in F. S. Chapter 893.
- v. aircraft piracy (F.S. 860.16);
- w. unlawful throwing, placing, or discharging of a destructive device or bomb (F.S. 790.161);
- x. facilitating or furthering terrorism (F.S. 775.31);
- y. treason (F.S. 876.32);
- z. possession of a firearm by a convicted felon (F.S. 790.23) or possession of a firearm or ammunition by a violent career criminal (F.S. 790.235);
- aa. bribery, misuse of public office (F.S. Chapter 838); extortion by officers of the state (F. S. 839.11); misappropriations of moneys by commissioners to make sales (F.S. 839.17);
- bb. any crime committed by an elected official while in office;
- cc. illegal use of explosives;
- dd. RICO;
- ee. exploitation of the elderly;
- ff. public corruption;

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- gg. any felony violation of an election law;
  - hh. any crime designated a “dangerous crime” under F.S. 907.041;
  - ii. any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in this State;
5. The person has not been declared to be one of the following:
- a. Habitual Violent Felony Offender under F.S. 775.084(1)(b);
  - b. Three-time Violent Felony Offender under F.S. 775.084(1)(c);
  - c. Violent Career Criminal under F.S. 775.084;
  - d. Prison Releasee Reoffender under F.S. 775.082(9)(a);
  - e. Sexual Predator under F.S. 775.21;