

# CONSTITUTIONAL AMENDMENT FULL TEXT

**Ballot Title:** Offender Reintegration Program

**Ballot Summary:** Extends the Florida Commission on Offender Review's authority to develop a standardized offender reintegration program, to place on supervised release (reintegration status) all qualifying offenders, including juvenile offenders, who have both served minimum sentence requirement and demonstrated an ability to live lawful, productive lives in society, and to terminate reintegration status of offenders who meet all financial obligations unless waived by Commission. Capital sexual offenders and death sentenced offenders are ineligible.

**Article and Section Being Created or Amended:** Article IV, Section 8

**Full Text of the Proposed Amendment:** SECTION 8. Clemency. -

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of records, 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.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

(1) Offender Reintegration Program. The Florida Commission on Offender Review shall develop a standardized offender reintegration program for all eligible offenders and shall place on reintegration status all qualifying offenders, including juvenile offenders, who have both served the minimum sentence requirement and demonstrated an ability to live lawful, productive lives in society as determined by the Florida Commission on Offender Review and consistent with the objectives of rehabilitation.

(2) Applicability.

a. The Florida Commission on Offender Review shall make available to all eligible offenders a reintegration program and shall place all qualifying offenders on reintegration status. The Florida Commission on Offender Review shall annually place a minimum of three percent of the total of the Florida Department of Corrections' offender population calculated from the previous fiscal year, excluding those offenders on pretrial intervention, probation, community control, or any other post-prison release supervision, on reintegration status.

b. Eligibility. An offender who meets the definition of eligible offender as defined in this section shall have the right to qualify for reintegration status.

c. Qualification. An offender, other than an offender on pretrial intervention, probation, community control, or any other post-prison release supervision, who meets both the eligibility requirement and the

## Initiative Information

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reasonable requisites of the Florida Commission on Offender Review shall qualify for reintegration status and shall have the right to be placed on reintegration status. Qualifying offenders shall be placed on reintegration status within a reasonable time or not later than 180 days after meeting the reasonable requisites.

d. Notice. An offender who may meet the eligibility requirement shall be given notice in writing of the reasonable requisites for qualification as determined by the Florida Commission on Offender Review no later than two years before meeting the eligibility requirement when practicable due to length of sentence remaining. Offenders may complete the reasonable requisites at any time during their court-imposed sentence.

(3) Termination of reintegration status. An offender on reintegration status shall remain thereon for the remainder of their court-imposed sentence unless terminated by proper authority. The Florida Commission on Offender Review shall terminate reintegration status of offenders who have met all obligations of their supervised release, and paid all fines, fees, restitution, or other costs, as determined by the Florida Commission on Offender Review, unless such financial obligations are waived for purposes of this section.

(4) Definitions. For purposes of this section, the following terms shall have the stated meanings:

a. Eligible offender. Regardless of any mandatory minimum court-imposed sentence or parole eligibility: A person under sentence or cumulative sentences totaling 40 years or less for any non-capital offense(s) who has served one half of the court-imposed sentence; a person under sentence or cumulative sentences totaling more than 40 years for any non-capital offense(s) who has served 20 years of the court-imposed sentence; a person under sentence for life or for life and a term of years for any non-capital offense(s) who has served 20 calendar years of the court-imposed sentence; or a person under any sentence for a capital felony except a sentence of death or a sentence for capital sexual battery who has served 25 calendar years of the court-imposed sentence.

b. Qualifying offender. A person who has met both the eligibility requirement and the reasonable requisites of the Florida Commission on Offender Review.

c. Reintegration status. The state of a person on supervised release from the Florida Department of Corrections under the terms and conditions set by the Florida Commission on Offender Review.

(5) This amendment shall take effect one year from the date it is voted into law and shall be applied retroactively.

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