



FLORIDA CONFERENCE OF CATHOLIC BISHOPS

The nonpartisan public policy voice of the Catholic Church in Florida

201 West Park Avenue, Tallahassee, Florida 32301-7715 * (850) 205-6820 * www.flaccb.org

CRIMINAL JUSTICE PRIORITIES

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The Church stands with victims of crime and their families while challenging our communities to be less retributive and more restorative. We cannot tolerate the crime and violence that threaten the lives and dignity of our sisters and brothers; yet we may not give up on those who have lost their way. By working together on initiatives such as those outlined below, public safety can be protected, the common good can be promoted, and community can be restored.

Top Priority: Capital Sentencing Improvements

Of the 32 states that maintain the death penalty, only two, Florida and Delaware, allow someone to be put to death based on the recommendation of a simple majority of jurors (7 of 12 jurors). Delaware's death penalty, however, is relatively inactive while Florida's rates of both executions and death sentences are in the top two in the nation. This is a grave concern given that Florida has freed 25 prisoners from death row, more than any other state. Passage of **SB 664 (Altman)** and **HB 139 (J. Rodriguez)** would require a jury to agree unanimously in order to recommend the death penalty. The thorough deliberation required to reach a unanimous decision ensures a more reliable death penalty system.

Other Priorities: Juvenile Justice – Civil Citation Expansion & Minimum Age for Indictment

Research continues to demonstrate that impulse control and risk evaluation are not yet fully developed during the teenage years. Our juvenile justice system, therefore, has a responsibility to treat juveniles according to their cognitive abilities while making the most of our youths' capacity to reform and transform their lives and future behavior. **SB 378 (Garcia)** encourages officers to issue civil citations to minors who commit non-serious misdemeanors. This allows minors to be held accountable for the delinquent act and receive necessary interventions while sparing them a criminal record, saving money by not incarcerating them, and giving young people a second chance.

Furthermore, we are alarmed that the state of Florida is one of few states that have not established an age minimum at which a minor can be tried as an adult. Among various provisions, **SB 1082 (Altman)** and **HB 783 (Edwards)** establish a minimum at which a child may be indicted as an adult.

Additional Opportunities for Improvements

Expungement of Juvenile Records: We anticipate legislative proposals to automatically expunge records of youthful offenders once they turn 18 of non-violent crimes committed as minors.

Direct File: Aside from indictment, addressed above, minors may also be transferred to the adult system by way of direct file, which permits a prosecutor sole discretion to try a minor as an adult. **SB 1082 (Altman)** and **HB 783 (Edwards)** alluded to above address direct file.

Rights Restoration: Florida is one of only three states in the country that does not allow restoration of a felon's rights after completing a sentence without approval by the governor and cabinet, acting as the clemency board. There are legislative and other initiatives that propose to restore the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation, with the exception of those convicted of murder or sexual offenses.

Executive Clemency: Prior to a death warrant being signed, the Board of Executive Clemency conducts an investigation in consideration of extending clemency to the individual who has been sentenced to death. These records are kept confidential, therefore not giving the defendant or the defendant's counsel the opportunity to respond to or dispute the report. We urge our state to work towards a more transparent clemency process, providing, at a minimum, the defendant and his or her legal counsel with the Board's records relating to the clemency investigation.

Note: FCCB policies do not allow for the collection of signatures for referenda at parishes or diocesan facilities.