

*(Whereupon, the amendment was seconded.)*

THE CHAIRMAN: The amendment is seconded by Delegate White. The Chair recognizes Delegate Lloyd Taylor to speak to the amendment.

DELEGATE L. TAYLOR: Mr. Chairman and fellow delegates, this amendment is meant for the individual who has the capacity to reform. It attempts to provide in the constitution a guideline for the General Assembly to provide restoration of civil rights lost in an incident to the conviction of a crime. We feel that when a person is convicted of a crime and he serves his time and he is paroled, the individual who has the capacity to reform has the right to enjoy the same civil rights as any other individual, if he has shown that he can reform after a certain period of time.

The principle is not embodied in the constitution, but it leaves it up to the General Assembly to formulate the method by which the parolee or ex-convict can gain his full civil rights.

This section 8 on unusual punishments I feel covers what we call not only in the legal field but in social work "double punishment," and, of course, as a social worker, I study social problems. I have worked with people for the past ten years, and I find that there are many people who come out of prison and want to start a new life. They come out with certain roadblocks in their way toward gaining their civil rights and reforming.

I feel they should have the freedom to reform. This is a natural right. It is a political right that many people have.

I would like to read briefly from a letter from an attorney where I obtained the legal background for this particular proposal. The letter I received is from Joseph H. Thomas, Jr., who says:

"We talked in terms of returning the ex-convict to a useful, purposeful life upon his release. However, below I have indicated the application of his loss of civil rights as a result of a conviction."

The civil rights which many convicts lose include the right to vote, the right to hold public office or positions of private trust, jury service, testimonial capacity, the right to participate in activities regulated by the State, including professions and occupations, licensing, and the armed forces; and also governmental and private bond and insurance rights.

He goes on to say:

"Currently was have a double punishment, the actual period of time spent in jail, as well as the lifetime disability. My recommendation is that a time period be set forth at the completion of which disabilities ingendered by conviction may be reviewed and lifted. In trying to determine the length of disability one might look either to a flat rule, for example, in misdemeanors perhaps that disability should last the length of time of the original sentence.

"For example, if a man receives five years, serves his five years or is released early on parole and for an additional five years should have no other conviction, then perhaps the disabilities that he finds himself vested with as a result of his conviction could be lifted. It would appear that this would be an incentive for leading a good, useful and productive life in society."

I mean by this proposal to give people who have some sort of altercation with the law the freedom to reform and permit the General Assembly to set the methods and formulate the ways in which the person could regain his full civil rights.

This provision is provided for in a limited fashion in the suffrage and election section on disqualification. It says the General Assembly may provide for the removal of this disqualification.

Civil rights includes many other rights other than voting. The first thing people coming out of prison want to do is find a job. Of course, if they can find a job to restore them to society in the right way, they will go out and try to vote and become a citizen.

What appears in section 8 appears in the United States Constitution. This is almost obsolete. Some members do not believe in substituting it.

I want to read from a text book on state government: "A felony at common law has been defined as 'any crime which occasioned a forfeiture of lands and goods, and to which might be superadded capital or other punishment.' Forfeiture of lands and goods as a punishment for crime has been abolished in both England and the United States so that the term no longer has its original meaning."

So we have provided in this present draft of ours a concept that is outmoded and obsolete.

THE CHAIRMAN: Delegate Taylor, you have used seven minutes of your time.

DELEGATE L. TAYLOR: I want to finish by saying that we should at least