

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE JOINT
RESOLUTION NO. 1015

BY: WEESE

AS INTRODUCED

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 10 OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATES TO THE PARDON AND PAROLE BOARD; AUTHORIZING THE LEGISLATURE TO SET MINIMUM MANDATORY PERIODS OF INCARCERATION FOR FELONS PRIOR TO BEING ELIGIBLE FOR PAROLE; ESTABLISHING A MINIMUM MANDATORY PERIOD OF INCARCERATION FOR PERSONS SENTENCED TO LIFE IMPRISONMENT; DEFINING TERM; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 10 of Article 6 of the Constitution of the State of Oklahoma to read as follows:

Section 10. There is hereby created a Pardon and Parole Board to be composed of five members; three to be appointed by the Governor; one by the Chief Justice of the Supreme Court; one by the Presiding Judge of the Criminal Court of Appeals or its successor. An attorney member of the Board shall be prohibited from representing in the courts of this state persons charged with felony offenses. The appointed members shall hold their offices coterminous with that of the Governor and shall be removable for cause only in the manner provided by law for elective officers not liable to impeachment. It shall be the duty of the Board to make an

impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all deemed worthy of clemency. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for convicts sentenced to death or sentenced to life imprisonment without parole.

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the said Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. Provided, the Governor shall not have the power to grant paroles if a convict has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe for ~~those persons~~ any person convicted of ~~three felonies arising out of separate and distinct transactions~~ a felony a minimum mandatory period of confinement which must be served prior to being eligible to be considered for parole. Persons sentenced to life imprisonment shall serve a minimum mandatory period of confinement of thirty-five years prior to being eligible to be considered for parole. The Governor shall have power to grant after conviction, reprieves, or leaves of absence not to exceed sixty (60) days, without the action of said Board.

He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction, and the date of commutation, pardon, parole and reprieve.

For purposes of the Oklahoma Statutes, a sentence of life imprisonment shall mean imprisonment for a minimum of seventy-five years and shall exclude any statutorily created earned credits.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend the Oklahoma Constitution. It would change the parole authority of the Pardon and Parole Board. It would let the Legislature set an amount of time that an inmate convicted of a felony must be in prison before getting a parole. At the present time, the Legislature cannot do this. Now, the Legislature can set a minimum time of imprisonment only if the inmate has been convicted of three different felonies. This measure also would set a minimum time persons sentenced to life in prison would have to serve. It also would define what life imprisonment means.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE AMENDMENT

 / NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

43-1-5424

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