

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 SENATE JOINT
4 RESOLUTION NO. 26

By: Herbert

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 10 of
10 Article VI of the Oklahoma Constitution; providing
11 that a crime victim serve as a member on the Pardon
12 and Parole Board; providing ballot title; and
13 directing filing.

14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
15 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

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

20 Section 10. There is hereby created a Pardon and Parole Board
21 to be composed of five members; three to be appointed by the
22 Governor of which at least one appointment shall be a crime victim;
23 one by the Chief Justice of the Supreme Court; one by the Presiding
24 Judge of the Criminal Court of Appeals or its successor. An
25 attorney member of the Board shall be prohibited from representing
26 in the courts of this state persons charged with felony offenses.
27 The appointed members shall hold their offices coterminous with that
28 of the Governor and shall be removable for cause only in the manner
29 provided by law for elective officers not liable to impeachment. It
30 shall be the duty of the Board to make an impartial investigation
31 and study of applicants for commutations, pardons or paroles, and by
32 a majority vote make its recommendations to the Governor of all
deemed worthy of clemency. Provided, the Pardon and Parole Board

1 shall have no authority to make recommendations regarding parole for
2 convicts sentenced to death or sentenced to life imprisonment
3 without parole.

4 The Governor shall have the power to grant, after conviction and
5 after favorable recommendation by a majority vote of the said Board,
6 commutations, pardons and paroles for all offenses, except cases of
7 impeachment, upon such conditions and with such restrictions and
8 limitations as he may deem proper, subject to such regulations as
9 may be prescribed by law. Provided, the Governor shall not have the
10 power to grant paroles if a convict has been sentenced to death or
11 sentenced to life imprisonment without parole. The Legislature
12 shall have the authority to prescribe a minimum mandatory period of
13 confinement which must be served by a person prior to being eligible
14 to be considered for parole. The Governor shall have power to grant
15 after conviction, reprieves, or leaves of absence not to exceed
16 sixty (60) days, without the action of said Board.

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

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

25 BALLOT TITLE

26 Legislative Referendum No. _____ State Question No. _____

27 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

28 This measure would amend the State Constitution. It would
29 amend Section 10 of Article 6. It would change the makeup of
30 the Pardon and Parole Board. One of the five members of the
31 Board would be a crime victim. This member of the Board would
32 be one of the three members appointed by the Governor.

1 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

2 YES, FOR THE AMENDMENT

3 NO, AGAINST THE AMENDMENT

4 SECTION 3. The President Pro Tempore of the Senate shall,
5 immediately after the passage of this resolution, prepare and file
6 one copy thereof, including the Ballot Title set forth in SECTION 2
7 hereof, with the Secretary of State and one copy with the Attorney
8 General.

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