

SJR 37

1 THE STATE SENATE
2 Tuesday, February 24, 2004

3 Senate Joint
4 Resolution No. 37
5 As Amended

6 SENATE JOINT RESOLUTION NO. 37 - By: LERBLANCE of the Senate and
7 BRADDOCK of the House.

8 [Constitutional amendment - removing Governor's authority
9 to grant parole - ballot title]

10 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
11 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

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

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

(Bold face denotes Committee Amendments)

1 liable to impeachment. It shall be the duty of the Board to make an
2 impartial investigation and study of applicants for commutations,
3 and pardons ~~or paroles~~, and by a majority vote make its
4 recommendations to the Governor of all cases deemed worthy of
5 clemency. ~~Provided, the Pardon and Parole Board shall have no~~
6 ~~authority to make recommendations regarding parole~~ The Pardon and
7 Parole Board by majority vote shall have the power and authority to
8 grant parole after conviction of a felony offense to any person
9 sentenced to prison or jail in this state upon such conditions and
10 with such restrictions and limitations as the majority of the Pardon
11 and Parole Board may deem proper, or as may be required by law,
12 except for ~~convicts~~ persons sentenced to death or sentenced to life
13 imprisonment without parole.

14 The Governor shall have the power to grant, after conviction and
15 after favorable recommendation by a majority vote of the ~~said~~ Pardon
16 and Parole Board, commutations, and pardons ~~and paroles~~ for all
17 felony offenses, except cases of impeachment, upon such conditions
18 and with such restrictions and limitations as ~~he~~ the Governor may
19 deem proper, subject to such regulations as may be prescribed by
20 law. ~~Provided, the Governor shall not have the power to grant~~
21 ~~paroles if a convict has been sentenced to death or sentenced to~~
22 ~~life imprisonment without parole.~~ The Legislature shall have the
23 authority to prescribe a minimum mandatory period of confinement

1 which must be served by a person prior to being eligible to be
2 considered for parole. A full and complete pardon by the Governor
3 for a criminal offense shall operate to restore any lost, diminished
4 or suspended civil rights to the person, except where civil rights
5 have been lost, diminished or suspended for another criminal offense
6 for which the person has not received a full pardon. The Governor
7 shall have power to grant after conviction, reprieves, or leaves of
8 absence not to exceed sixty (60) days, without the action of ~~said~~
9 the Pardon and Parole Board.

10 ~~He~~ The Governor shall communicate to the Legislature, at each
11 regular session, each case of reprieve, commutation, ~~parole~~ or
12 pardon, granted, stating the name of the ~~convict~~ person receiving
13 clemency, the crime of which ~~he~~ the person was convicted, the date
14 and place of conviction, and the date of commutation, pardon, ~~parole~~
15 ~~and~~ or reprieve.

16 The Pardon and Parole Board shall communicate to the
17 Legislature, at each regular session, all paroles granted, stating
18 the names of the persons paroled, the crime of which the persons
19 were convicted, the dates and places of conviction, and the dates of
20 paroles.

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 10 of Article 6 of the Oklahoma Constitution. This measure removes the Governor from the parole process. It gives authority to the Pardon and Parole Board to grant paroles for criminal felony offenses. It restores civil rights upon receiving a pardon by the Governor for a criminal offense. It requires a report to the Legislature each regular session for all pardons, paroles, commutations, and reprieves.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law at the next general election to be held throughout the State of Oklahoma in 2004 upon the approval and adoption of this resolution by the Legislature.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Upon the passage of the Constitutional amendment as set forth in Section 1 of this resolution, the Legislature shall enact any laws

1 necessary to fully implement and support the Pardon and Parole Board
2 in carrying out its duties and obligations to grant paroles pursuant
3 to the Constitution of the State of Oklahoma.

4 SECTION 5. 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.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-04 - DO
10 PASS, As Amended and Coauthored.