

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE JOINT
RESOLUTION 17

By: Smith

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 VI of the Constitution of the State of Oklahoma; removing governor's authority to grant parole; removing legislative authority for mandatory minimums; giving parole authority to Pardon and Parole Board; declaring effects of full pardon on civil rights; requiring certain report from Pardon and Parole Board; providing ballot title; ordering a special election; providing for noncodification; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 49TH 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 VI 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, ~~and pardons or paroles~~, and by a majority vote make its recommendations to the Governor of ~~all~~ cases deemed worthy of clemency. ~~Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole~~ The Pardon and Parole Board by majority vote shall have the power and authority to grant parole after conviction to any person sentenced to prison or jail in this state upon such conditions and with such restrictions and limitations as the majority of the Pardon and Parole Board may deem proper, except for ~~convicts~~ persons 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~~ Pardon and Parole Board, commutations, ~~and pardons and paroles~~ for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as ~~he~~ the Governor 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 a minimum mandatory period of confinement which must be served by a person prior to being eligible to be considered for parole~~ A full and complete pardon by the Governor for a criminal offense shall operate to restore any lost, diminished or suspended civil rights to the person, except where civil rights have been lost, diminished or suspended for another criminal offense for which the person has not received a full pardon. 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~~ the Pardon and Parole Board.

~~He~~ The Governor shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, ~~parole~~ or

pardon, granted, stating the name of the ~~convict~~ person receiving clemency, the crime of which ~~he~~ the person was convicted, the date and place of conviction, and the date of commutation, pardon, ~~parole~~ and or reprieve.

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

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 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 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. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of November 4, 2003, at which time 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.

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

SECTION 5. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, 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.

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