

CS for SJR 17

1 THE STATE SENATE  
2 Monday, February 28, 2005

3 Committee Substitute for  
4 Senate Joint  
5 Resolution No. 17

6 COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 17 - By:  
7 LERBLANCE of the Senate and MASS of the House.

8 A Joint Resolution directing the Secretary of State to refer  
9 to the people for their approval or rejection a proposed  
10 amendment to Section 10 of Article VI of the Oklahoma  
11 Constitution; removing Governor's authority to grant certain  
12 paroles; giving parole authority to Pardon and Parole Board  
13 for certain offenses; keeping the Governor in the parole  
14 process for violent offenders; declaring effects of full  
15 pardon on civil rights; requiring certain report from Pardon  
16 and Parole Board; providing ballot title; providing for  
17 noncodification; and directing filing.

18 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
19 1ST SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

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

24 Section 10. There is hereby created a Pardon and Parole Board  
25 to be composed of five members; three to be appointed by the  
26 Governor; one by the Chief Justice of the Supreme Court; one by the  
27 Presiding Judge of the Criminal Court of Appeals or its successor.  
28 An attorney member of the Board shall be prohibited from

1 representing in the courts of this state persons charged with felony  
2 offenses. The appointed members shall hold their offices  
3 coterminous with that of the Governor and shall be removable for  
4 cause only in the manner provided by law for elective officers not  
5 liable to impeachment. It shall be the duty of the Board to make an  
6 impartial investigation and study of applicants for commutations,  
7 pardons or paroles, and by a majority vote make its recommendations  
8 to the Governor of ~~all~~ persons deemed worthy of clemency. ~~Provided,~~  
9 ~~the Pardon and Parole Board shall have no authority to make~~  
10 ~~recommendations regarding parole~~ The Pardon and Parole Board by  
11 majority vote shall have the power and authority to grant parole for  
12 all offenses after conviction, upon such conditions and with such  
13 restrictions and limitations as the majority of the Pardon and  
14 Parole Board may deem proper or as may be required by law, except  
15 ~~convicts~~ persons sentenced to death or sentenced to life  
16 imprisonment without parole or sentenced to imprisonment for a  
17 violent offense.

18 The Governor shall have the power to grant, after conviction and  
19 after favorable recommendation by a majority vote of the ~~said~~ Pardon  
20 and Parole Board, commutations, pardons and paroles for all offenses  
21 not eligible for parole by the Pardon and Parole Board, except cases  
22 of impeachment, upon such conditions and with such restrictions and  
23 limitations as ~~he~~ the Governor may deem proper, subject to such

1 regulations as may be prescribed by law. Provided, the Governor  
2 shall not have the power to grant paroles if a convict has been  
3 sentenced to death or sentenced to life imprisonment without parole.  
4 The Legislature shall have the authority to prescribe a minimum  
5 mandatory period of confinement which must be served by a person  
6 prior to being eligible to be considered for parole. A full and  
7 complete pardon by the Governor for a criminal offense shall operate  
8 to restore any lost, diminished or suspended civil rights to the  
9 person, except where civil rights have been lost, diminished or  
10 suspended for another criminal offense for which the person has not  
11 received a full pardon. The Governor shall have power to grant  
12 after conviction, reprieves, or leaves of absence not to exceed  
13 sixty (60) days, without the action of ~~said~~ the Pardon and Parole  
14 Board.

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

21 The Pardon and Parole Board shall communicate to the  
22 Legislature, at each regular session, all paroles granted, stating  
23 the names of the persons paroled, the crime of which the persons

1 were convicted, the dates and places of conviction, and the dates of  
2 paroles.

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

6 BALLOT TITLE  
7 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Section 10 of Article 6 of the State  
10 Constitution. This measure gives authority to the Pardon and  
11 Parole Board to grant parole for any nonviolent offense. It  
12 restores civil rights upon receiving a pardon by the Governor  
13 for a criminal offense. It requires a report to the Legislature  
14 each regular session for all pardons, paroles, commutations, and  
15 reprieves.

16 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

17  YES, FOR THE AMENDMENT

18  NO, AGAINST THE AMENDMENT

19 SECTION 3. The proposed amendment to the Constitution of the  
20 State of Oklahoma, as set forth in SECTION 1 of this resolution,  
21 shall be submitted to the people of Oklahoma for their approval or  
22 rejection as and in the manner provided by law at the next general

1 election to be held throughout the State of Oklahoma in 2004 upon  
2 the approval and adoption of this resolution by the Legislature.

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

5 Upon the passage of the Constitutional amendment as set forth in  
6 SECTION 1 of this resolution, the Legislature shall enact any laws  
7 necessary to fully implement and support the Pardon and Parole Board  
8 in carrying out its duties and obligations to grant paroles pursuant  
9 to the Constitution of the State of Oklahoma.

10 SECTION 5. The President Pro Tempore of the Senate shall,  
11 immediately after the passage of this resolution, prepare and file  
12 one copy thereof, including the Ballot Title set forth in SECTION 2  
13 hereof, with the Secretary of State and one copy with the Attorney  
14 General.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-05 - DO  
16 PASS, As Amended and Coauthored.