

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE JOINT
RESOLUTION 1014

By: McCarter

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; providing Pardon and Parole Board with authority to grant parole; requiring certain report from Pardon and Parole Board; removing authority of Governor to grant parole; requiring Legislature to enact certain laws; providing ballot title; providing for noncodification; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH 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. A. 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 deemed worthy of clemency. ~~Provided, the~~

B. The Pardon and Parole Board, by majority vote, shall have ~~no~~ the power and authority to make recommendations regarding grant parole after conviction of a felony offense to any person sentenced to prison or jail in this state upon such conditions and with such restriction and limitations as the majority of the Pardon and Parole Board may deem proper, or as may be required by law, except for ~~convicts~~ persons sentenced to death or sentenced to life imprisonment without parole. The Pardon and Parole Board shall communicate to the Legislature, at each regular session, all paroles granted, stating the name of the persons paroled, the crime of which the person was convicted, the date and place of conviction, and the date of parole.

C. 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. 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, 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.

D. Upon adoption by the people of this state of the amendments as set forth in this section, the Legislature shall enact laws necessary to fully implement and support the Pardon and Parole Board in carrying out its duties and obligations to grant paroles pursuant to this section.

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 VI 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 requires a report to the Legislature each regular session for all pardons, paroles, commutations, and reprieves.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

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 2005 upon the approval and adoption of this resolution by the Legislature.

SECTION 4. 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.

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