

THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 2008

House Joint
Resolution No. 1082

HOUSE JOINT RESOLUTION NO. 1082 - By: BLACKWELL of the House and
NICHOLS AND BURRAGE of the Senate.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 18 of Article II of the Constitution of the State of Oklahoma; authorizing the Attorney General to convene and conduct single-county and multicounty grand juries; specifying scope of crime subject to investigation; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF
THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for their approval or
2 rejection, as and in the manner provided by law, the following proposed amendment to
3 Section 18 of Article II of the Constitution of the State of Oklahoma to read as follows:
4 Section 18. A grand jury shall be composed of twelve (12) persons, any nine (9) of
5 whom concurring may find an indictment or true bill. A grand jury shall be convened
6 upon the order of a district judge upon his own motion; or such grand jury shall be
7 ordered by a district judge upon the filing of a petition therefor signed by qualified
8 electors of the county equal to the number of signatures required to propose legislation
9 by a county by initiative petition as provided in Section 5 of Article V of the Oklahoma

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1 Constitution, with the minimum number of required signatures being five hundred (500)
2 and the maximum being five thousand (5,000); and further providing that in any
3 calendar year in which a grand jury has been convened pursuant to a petition therefor,
4 then any subsequent petition filed during the same calendar year shall require double
5 the minimum number of signatures as were required hereunder for the first petition; or
6 ~~such~~ the Attorney General of the State of Oklahoma may apply to convene either a
7 single-county grand jury or a multicounty grand jury or both. A single-county grand jury
8 shall be ordered convened upon the filing of a verified application by the Attorney
9 General of the State of Oklahoma who shall have authority to conduct the single-county
10 grand jury in investigating ~~crimes~~ all character and grades of crime which are alleged to
11 have been committed in said that county ~~or involving multicounty criminal activities;~~
12 ~~when.~~ A multicounty grand jury shall be ordered convened upon the filing of a verified
13 application by the Attorney General of the State of Oklahoma who shall have authority
14 to conduct the multicounty grand jury in investigating all character and grades of crime
15 which are alleged to have been committed in any one county or in more than one county
16 of the State of Oklahoma. When so assembled ~~such~~ a single-county grand jury shall have
17 power to inquire into and return indictments for all character and grades of crime in that
18 county. A multicounty grand jury shall have power to inquire into and return
19 indictments for all character and grades of crime in one county or in more than one
20 county of the State of Oklahoma. All other provisions of the Constitution or the laws of
21 this state in conflict with the provisions of this constitutional amendment are hereby
22 expressly repealed.

1 The Legislature shall enact laws to implement the provisions of this constitutional
2 amendment and to prevent corruption in making, filing, circulating and submitting
3 petitions calling for convening a grand jury.

4 SECTION 2. The Ballot Title for the proposed Constitutional amendment as set
5 forth in SECTION 1 of this resolution shall be in 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 18 of Article 2 of the Oklahoma Constitution. The
10 measure seeks to clarify existing law. The measure applies to grand juries. It
11 allows the Attorney General to apply for a single-county grand jury or a multicounty
12 grand jury or both. A single-county grand jury may investigate criminal activity
13 which occurs in that county. A single-county grand jury may return indictments for
14 all types of crimes which occur in that county. A multicounty grand jury may also
15 investigate criminal activity. That activity may occur in one county or in more than
16 one county. Under the measure, a multicounty grand jury may return indictments
17 for all types of crimes. Those crimes may occur in one county or more than one
18 county. The Legislature is to pass laws to carry out this section.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL — YES _____

21 AGAINST THE PROPOSAL — NO _____

1 SECTION 3. The Chief Clerk of the House of Representatives, immediately after
2 the passage of this resolution, shall prepare and file one copy thereof, including the
3 Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with
4 the Attorney General.
5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-18-08 - DO PASS, As
6 Coauthored.