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THE STATE SENATE
Thursday, April 03, 2008

ENGROSSED

House Joint

Resolution No. 1082

ENGROSSED HOUSE JOINT RESOLUTION NO. 1082 - By: Blackwell and Roan 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:

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 18 of Article II of the Constitution of the State of Oklahoma to read as follows:

Section 18. A grand jury shall be composed of twelve (12) persons, any nine (9) of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a district judge upon his own motion; or such grand jury shall be ordered by a district judge upon the filing of a petition therefor signed by qualified electors of the county equal to the number of

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

1 shall have power to inquire into and return indictments for all
2 character and grades of crime in that county. A multicounty grand
3 jury shall have power to inquire into and return indictments for all
4 character and grades of crime in one county or in more than one
5 county of the State of Oklahoma. All other provisions of the
6 Constitution or the laws of this state in conflict with the
7 provisions of this constitutional amendment are hereby expressly
8 repealed.

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

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

16 BALLOT TITLE

17 Legislative Referendum No. _____ State Question No. _____

18 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

19 This measure amends Section 18 of Article 2 of the Oklahoma
20 Constitution. The measure seeks to clarify existing law. The
21 measure applies to grand juries. It allows the Attorney General
22 to apply for a single-county grand jury or a multicounty grand
23 jury or both. A single-county grand jury may investigate

1 criminal activity which occurs in that county. A single-county
2 grand jury may return indictments for all types of crimes which
3 occur in that county. A multicounty grand jury may also
4 investigate criminal activity. That activity may occur in one
5 county or in more than one county. Under the measure, a
6 multicounty grand jury may return indictments for all types of
7 crimes. Those crimes may occur in one county or more than one
8 county. The Legislature is to pass laws to carry out this
9 section.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES _____

12 AGAINST THE PROPOSAL - NO _____

13 SECTION 3. The Chief Clerk of the House of Representatives,
14 immediately after the passage of this resolution, shall prepare and
15 file one copy thereof, including the Ballot Title set forth in
16 SECTION 2 hereof, with the Secretary of State and one copy with the
17 Attorney General.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS.