

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT
4 RESOLUTION 1071

By: Morrissette

5
6 AS INTRODUCED
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8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 10 of
11 Article VI of the Constitution of the State of
12 Oklahoma; modifying membership of the Pardon and
13 Parole Board; providing ballot title; and directing
14 filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

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

21 Section 10. There is hereby created a Pardon and Parole Board
22 to be composed of ~~five~~ ten members; ~~three~~ four to be appointed by
23 the Governor; ~~one~~ three by the Chief Justice of the Supreme Court;
24 ~~one~~ three by the Presiding Judge of the Criminal Court of Appeals or
its successor. An attorney member of the Board shall be prohibited

1 from representing in the courts of this state persons charged with
2 felony 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 deemed worthy of clemency. Provided, the
9 Pardon and Parole Board shall have no authority to make
10 recommendations regarding parole for ~~convicts~~ persons sentenced to
11 death or sentenced to life imprisonment without parole.

12 The Governor shall have the power to grant, after conviction and
13 after favorable recommendation by a majority vote of the ~~said~~ Board,
14 commutations, pardons and paroles for all offenses, except cases of
15 impeachment, upon such conditions and with such restrictions and
16 limitations as ~~he~~ the Governor may deem proper, subject to such
17 regulations as may be prescribed by law. Provided, the Governor
18 shall not have the power to grant paroles if a ~~convict~~ person has
19 been sentenced to death or sentenced to life imprisonment without
20 parole. The Legislature shall have the authority to prescribe a
21 minimum mandatory period of confinement which must be served by a
22 person prior to being eligible to be considered for parole. The
23 Governor shall have power to grant after conviction, reprieves, or

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1 leaves of absence not to exceed sixty (60) days, without the action
2 of ~~said~~ the Pardon and Parole Board.

3 ~~He~~ The Governor shall communicate to the Legislature, at each
4 regular session, each case of reprieve, commutation, parole or
5 pardon, granted, stating the name of the ~~convict~~ person, the crime
6 of which ~~he~~ the person was convicted, the date and place of
7 conviction, and the date of commutation, pardon, parole and
8 reprieve.

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

12 BALLOT TITLE

13 Legislative Referendum No. _____ State Question No. _____

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

15 This measure amends Section 10 of Article 6 of the Oklahoma
16 Constitution. This measure adds five additional members to the
17 Pardon and Parole Board.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES _____

20 AGAINST THE PROPOSAL - NO _____

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

1 election to be held throughout the State of Oklahoma in 2008 upon
2 the approval and adoption of this resolution by the Legislature.

3 SECTION 4. The Chief Clerk of the House of Representatives,
4 immediately after the passage of this resolution, shall prepare and
5 file one copy thereof, including the Ballot Title set forth in
6 SECTION 2 hereof, with the Secretary of State and one copy with the
7 Attorney General.

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