

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1092

By: Pittman

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection a proposed amendment to Section 10 of
10 Article VI of the Constitution of the State of
11 Oklahoma; providing Pardon and Parole Board with
12 authority to grant parole; requiring certain report
13 from Pardon and Parole Board; removing authority of
14 Governor to grant parole; requiring Legislature to
15 enact certain laws; providing ballot title; and
16 directing filing.

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
18 AND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

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

23 Section 10. A. There is hereby created a Pardon and Parole
24 Board to be composed of five (5) 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

1 successor. An attorney member of the Board shall be prohibited from
2 representing in the courts of this state persons charged with felony
3 offenses. The appointed members shall hold their offices
4 coterminous with that of the Governor and shall be removable for
5 cause only in the manner provided by law for elective officers not
6 liable to impeachment. It shall be the duty of the Board to make an
7 impartial investigation and study of applicants for commutations,
8 and pardons or paroles, and by a majority vote make its
9 recommendations to the Governor of all deemed worthy of clemency.
10 ~~Provided, the~~

11 B. The Pardon and Parole Board, by majority vote, shall have
12 the power and authority to make recommendations regarding grant
13 parole after conviction of a felony offense to any person sentenced
14 to prison or jail in this state upon such conditions and with such
15 restriction and limitations as the majority of the Pardon and Parole
16 Board may deem proper, or as may be required by law, except for
17 convicts sentenced to death or sentenced to life imprisonment
18 without parole. The Pardon and Parole Board shall communicate to
19 the Legislature, at each regular session, all paroles granted,
20 stating the name of the persons paroled, the crime of which the
21 person was convicted, the date and place of conviction, and the date
22 of parole.

23 C. The Governor shall have the power to grant, after conviction
24 and after favorable recommendation by a majority vote of the said

1 Pardon and Parole Board, commutations, ~~and pardons and paroles~~ for
2 all offenses, except cases of impeachment, upon such conditions and
3 with such restrictions and limitations as ~~he~~ the Governor may deem
4 proper, subject to such regulations as may be prescribed by law.
5 ~~Provided, the Governor shall not have the power to grant paroles if~~
6 ~~a convict has been sentenced to death or sentenced to life~~
7 ~~imprisonment without parole.~~ The Legislature shall have the
8 authority to prescribe a minimum mandatory period of confinement
9 which must be served by a person prior to being eligible to be
10 considered for parole. The Governor shall have power to grant after
11 conviction, reprieves, or leaves of absence not to exceed sixty (60)
12 days, without the action of ~~said~~ the Pardon and Parole Board.

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

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

24

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends Section 10 of Article 6 of the Oklahoma
8 Constitution. This measure removes the Governor from the parole
9 process. It gives authority to the Pardon and Parole Board to
10 grant paroles for criminal felony offenses. It requires a
11 report to the Legislature each regular session for all pardons,
12 paroles, commutations, and reprieves.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

16 SECTION 3. The proposed amendment to the Constitution of the
17 State of Oklahoma, as set forth in SECTION 1 of this resolution,
18 shall be submitted to the people of Oklahoma for their approval or
19 rejection as and in the manner provided by law at the next general
20 election to be held throughout the State of Oklahoma in 2008 upon
21 the approval and adoption of this resolution by the Legislature.

22 SECTION 4. The Chief Clerk of the House of Representatives,
23 immediately after the passage of this resolution, shall prepare and
24 file one copy thereof, including the Ballot Title set forth in

1 SECTION 2 hereof, with the Secretary of State and one copy with the
2 Attorney General.

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