

1 STATE OF OKLAHOMA

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

3 SENATE JOINT  
4 RESOLUTION 61

By: Eason McIntyre

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 Oklahoma Constitution; modifying  
11 certain parole authority; stating effects of certain  
12 pardon; requiring certain communication; providing  
13 ballot title; and directing filing.

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

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

20 Section 10. There is hereby created a Pardon and Parole Board  
21 to be composed of five members; three to be appointed by the  
22 Governor; one by the Chief Justice of the Supreme Court; one by the  
23 Presiding Judge of the Criminal Court of Appeals or its successor.

24 An attorney member of the Board shall be prohibited from  
representing in the courts of this state persons charged with felony

1 offenses. The appointed members shall hold their offices  
2 coterminous with that of the Governor and shall be removable for  
3 cause only in the manner provided by law for elective officers not  
4 liable to impeachment. It shall be the duty of the Board to make an  
5 impartial investigation and study of applicants for commutations,  
6 pardons or paroles, and by a majority vote ~~make its recommendations~~  
7 ~~to the Governor of all deemed worthy of clemency.~~ Provided, the  
8 ~~Pardon and Parole Board shall have no authority to make~~  
9 ~~recommendations regarding parole for convicts sentenced to death or~~  
10 ~~sentenced to life imprisonment without parole~~ grant such  
11 commutations, pardons or paroles with such restrictions and  
12 limitations as the majority of the Pardon and Parole Board may deem  
13 proper or as may be required by law.

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

1 parole. ~~The Governor shall have power to grant after conviction,~~  
2 ~~reprieves, or leaves of absence not to exceed sixty (60) days,~~  
3 ~~without the action of said Board~~ A full and complete pardon by the  
4 Pardon and Parole Board for a criminal offense shall operate to  
5 restore any lost, diminished or suspended civil rights to the  
6 person, except where civil rights have been lost, diminished or  
7 suspended for another criminal offense for which the person has not  
8 received a full pardon.

9 ~~He~~ The Pardon and Parole Board shall communicate to the  
10 Legislature, at each regular session, each case of reprieve,  
11 commutation, parole or pardon, granted, stating the name of the  
12 ~~convict~~ person receiving parole or clemency, the crime of which ~~he~~  
13 the person was convicted, the date and place of conviction, and the  
14 date of commutation, pardon, parole ~~and~~ or reprieve.

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

18 BALLOT TITLE

19 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends Section 10 of Article 6 of the State  
22 Constitution. This measure removes pardon and parole authority  
23 from the Governor. It gives authority to the Pardon and Parole  
24 Board to grant parole for all offenses. It restores civil

1 rights upon receiving a pardon by the Board for a criminal  
2 offense. It requires a report to the Legislature each regular  
3 session for all pardons, paroles, commutations, and reprieves.

4 SHALL THE PROPOSAL BE APPROVED?

5 FOR THE PROPOSAL - YES \_\_\_\_\_

6 AGAINST THE PROPOSAL - NO \_\_\_\_\_

7 SECTION 3. The President Pro Tempore of the Senate shall,  
8 immediately after the passage of this resolution, prepare and file  
9 one copy thereof, including the Ballot Title set forth in SECTION 2  
10 hereof, with the Secretary of State and one copy with the Attorney  
11 General.

12  
13 51-2-3244 TEK 1/22/2008 6:35:09 PM