

1 ENGROSSED HOUSE  
JOINT  
2 RESOLUTION NO. 1080

By: Bengé of the House

3 and

4 Coffee of the Senate

5  
6  
7  
8 ( Joint Resolution - proposed amendments -

9 Constitution - Pardon and Parole Board - ballot

10 title -

11 filing )

12  
13  
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
15 2ND SESSION OF THE 52ND 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 amendments to the Constitution of the State  
19 of Oklahoma, amending Section 10 and adding a new Section 10a to  
20 Article VI of the Constitution of the State of Oklahoma, to read as  
21 follows:

22 Section 10. There is hereby created, within the Department of  
23 Corrections, a Pardon and Parole Board to be composed of five  
24 members; three to be appointed by the Governor; one by the Chief

1 Justice of the Supreme Court; one by the Presiding Judge of the  
2 Criminal Court of Appeals or its successor. An attorney member of  
3 the Board shall be prohibited from representing in the courts of  
4 this state persons charged with felony offenses. The appointed  
5 members shall hold their offices coterminous with that of the  
6 Governor and shall be removable for cause only in the manner  
7 provided by law for elective officers not liable to impeachment. It  
8 shall be the duty of the Board to make an impartial investigation  
9 and study of applicants for commutations, pardons or paroles, and by  
10 a majority vote make its recommendations to the Governor of all  
11 deemed worthy of clemency. Provided, the Pardon and Parole Board  
12 shall have no authority to make recommendations regarding parole for  
13 convicts sentenced to death or sentenced to life imprisonment  
14 without parole.

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

1 prior to being eligible to be considered for parole. The Governor  
2 shall have power to grant after conviction, reprieves, or leaves of  
3 absence not to exceed sixty (60) days, without the action of ~~said~~  
4 the Board.

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

10 Section 10a. A. Effective July 1, 2011, the Pardon and Parole  
11 Board is hereby transferred to the Department of Corrections. All  
12 duties, powers and responsibilities of the Pardon and Parole Board  
13 relating to the investigation and study of applicants for  
14 commutations, pardons or paroles shall be transferred to the  
15 Department of Corrections.

16 B. The Legislature shall provide for the orderly transfer of  
17 the duties, powers and responsibilities of the Pardon and Parole  
18 Board, as well as the personnel, property, records, assets and  
19 liabilities of the Pardon and Parole Board, to the Department of  
20 Corrections.

21 C. The provisions of this amendment shall become effective July  
22 1, 2011.

23  
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 the Oklahoma Constitution. It amends the  
8 section dealing with the Pardon and Parole Board. The amendment  
9 would transfer the Pardon and Parole Board to the Department of  
10 Corrections. It would add a new Section to the Constitution.  
11 It would transfer all duties and powers of the Pardon and Parole  
12 Board to the Department of Corrections.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES \_\_\_\_\_

15 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

21  
22  
23  
24

