

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT
4 RESOLUTION 1080

By: Bengé

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 proposed amendments to the Constitution of
10 the State of Oklahoma by amending Section 10 of
11 Article VI and by adding a new Section 10a to Article
12 VI; transferring the Pardon and Parole Board to the
13 Department of Corrections; providing ballot title;
14 and directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
16 2ND SESSION OF THE 52ND 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 amendments to the Constitution of the State
20 of Oklahoma, amending Section 10 and adding a new Section 10a to
21 Article VI of the Constitution of the State of Oklahoma, to read as
22 follows:

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

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

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~~ the Governor may deem proper, subject to such
19 regulations as may be prescribed by law. Provided, the Governor
20 shall not have the power to grant paroles if a convict has been
21 sentenced to death or sentenced to life imprisonment without parole.
22 The Legislature shall have the authority to prescribe a minimum
23 mandatory period of confinement which must be served by a person
24 prior to being eligible to be considered for parole. The Governor

1 shall have power to grant after conviction, reprieves, or leaves of
2 absence not to exceed sixty (60) days, without the action of ~~said~~
3 the Board.

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

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

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

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

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

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends the section dealing with the Pardon and Parole Board. The amendment would transfer the Pardon and Parole Board to the Department of Corrections. It would add a new Section to the Constitution. It would transfer all duties and powers of the Pardon and Parole Board to the Department of Corrections.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 1 hereof, with the Secretary of State and one copy with the Attorney General.

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