

THE HOUSE OF REPRESENTATIVES  
Monday, February 22, 2010

House Joint  
Resolution No. 1080

HJR 1080

HOUSE JOINT RESOLUTION NO. 1080 - By: BENGE of the House.

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to the Constitution of the State of Oklahoma by amending Section 10 of Article VI and by adding a new Section 10a to Article VI; transferring the Pardon and Parole Board to the Department of Corrections; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF  
THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for their approval or  
2 rejection, as and in the manner provided by law, the following proposed amendments to  
3 the Constitution of the State of Oklahoma, amending Section 10 and adding a new  
4 Section 10a to Article VI of the Constitution of the State of Oklahoma, to read as follows:  
5 Section 10. There is hereby created, within the Department of Corrections, a  
6 Pardon and Parole Board to be composed of five members; three to be appointed by the  
7 Governor; one by the Chief Justice of the Supreme Court; one by the Presiding Judge of  
8 the Criminal Court of Appeals or its successor. An attorney member of the Board shall  
9 be prohibited from representing in the courts of this state persons charged with felony  
10 offenses. The appointed members shall hold their offices coterminous with that of the

1 Governor and shall be removable for cause only in the manner provided by law for  
2 elective officers not liable to impeachment. It shall be the duty of the Board to make an  
3 impartial investigation and study of applicants for commutations, pardons or paroles,  
4 and by a majority vote make its recommendations to the Governor of all deemed worthy  
5 of clemency. Provided, the Pardon and Parole Board shall have no authority to make  
6 recommendations regarding parole for convicts sentenced to death or sentenced to life  
7 imprisonment without parole.

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

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

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

5 B. The Legislature shall provide for the orderly transfer of the duties, powers and  
6 responsibilities of the Pardon and Parole Board, as well as the personnel, property,  
7 records, assets and liabilities of the Pardon and Parole Board, to the Department of  
8 Corrections.

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

10 SECTION 2. The Ballot Title for the proposed Constitutional amendment as set  
11 forth in SECTION 1 of this resolution shall be in 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 the Oklahoma Constitution. It amends the section dealing  
16 with the Pardon and Parole Board. The amendment would transfer the Pardon and  
17 Parole Board to the Department of Corrections. It would add a new Section to the  
18 Constitution. It would transfer all duties and powers of the Pardon and Parole  
19 Board to the Department of Corrections.

20 **SHALL THE PROPOSAL BE APPROVED?**

21 **FOR THE PROPOSAL — YES** \_\_\_\_\_

22 **AGAINST THE PROPOSAL — NO** \_\_\_\_\_

1           SECTION 3. The Chief Clerk of the House of Representatives, immediately after  
2 the passage of this resolution, shall prepare and file one copy thereof, including the  
3 Ballot Title set forth in SECTION 1 hereof, with the Secretary of State and one copy with  
4 the Attorney General.  
5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-18-10 - DO PASS.