

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE JOINT
4 RESOLUTION 42

By: Johnson (Constance)

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 1ST 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 amendment to Section 10 of Article VI of the
19 Oklahoma Constitution 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 persons deemed worthy of clemency. ~~Provided,~~
8 ~~the Pardon and Parole Board shall have no authority to make~~
9 ~~recommendations regarding parole~~ The Pardon and Parole Board by
10 majority vote shall have the power and authority to grant parole for
11 all offenses after conviction, upon such conditions and with such
12 restrictions and limitations as the majority of the Pardon and
13 Parole Board may deem proper or as may be required by law, except
14 ~~convicts~~ persons sentenced to death or sentenced to life
15 imprisonment without parole or sentenced to imprisonment for a
16 violent offense.

17 The Governor shall have the power to grant, after conviction and
18 after favorable recommendation by a majority vote of the ~~said~~ Pardon
19 and Parole Board, commutations, pardons and paroles for all offenses
20 not eligible for parole by the Pardon and Parole Board, except cases
21 of impeachment, upon such conditions and with such restrictions and
22 limitations as ~~he~~ the Governor may deem proper, subject to such
23 regulations as may be prescribed by law. Provided, the Governor
24 shall not have the power to grant paroles if a ~~convict~~ person has

1 | been sentenced to death or sentenced to life imprisonment without
2 | parole. The Legislature shall have the authority to prescribe a
3 | minimum mandatory period of confinement which must be served by a
4 | person prior to being eligible to be considered for parole. A full
5 | and complete pardon by the Governor for a criminal offense shall
6 | operate to restore any lost, diminished or suspended civil rights to
7 | the person, except where civil rights have been lost, diminished or
8 | suspended for another criminal offense for which the person has not
9 | received a full pardon. The Governor shall have power to grant
10 | after conviction, reprieves, or leaves of absence not to exceed
11 | sixty (60) days, without the action of ~~said~~ the Pardon and Parole
12 | 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 receiving
16 | clemency, the crime of which he the person was convicted, the date
17 | and place of conviction, and the date of commutation, pardon, parole
18 | ~~and~~ or reprieve.

19 | The Pardon and Parole Board shall communicate to the Legislature
20 | at each regular session all paroles granted, stating the names of
21 | the persons paroled, the crimes of which the persons were convicted,
22 | the dates and places of conviction, and the dates of paroles.

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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 State
8 Constitution. This measure gives authority to the Pardon and
9 Parole Board to grant parole for any nonviolent offense. It
10 restores civil rights upon receiving a pardon by the Governor
11 for a criminal offense. It requires a report to the Legislature
12 each regular session for all pardons, paroles, commutations, and
13 reprieves.

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES _____

16 AGAINST THE PROPOSAL - NO _____

17 SECTION 3. The President Pro Tempore of the Senate shall,
18 immediately after the passage of this resolution, prepare and file
19 one copy thereof, including the Ballot Title set forth in SECTION 2
20 hereof, with the Secretary of State and one copy with the Attorney
21 General.

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