

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE JOINT
3 RESOLUTION NO. 25

By: Brecheen and Lerblance of
the Senate

4 and

5 Faught of the House

6
7

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to Section 10 of
11 Article VI of the Oklahoma Constitution; modifying
12 certain parole authority; stating effects of certain
13 pardon; requiring certain communication; providing
14 ballot title; and directing filing.

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14 AUTHORS: Remove Faught as principal House Author and
15 substitute Steele as principal House Author and
16 show Faught as first Coauthor and add the following
House Coauthors: Pittman, Condit, Shelton and
Tibbs

17 AMENDMENT NO. 1. Strike the title, resolving clause and entire
18 resolution and insert

19 "A Joint Resolution directing the Secretary of State
20 to refer to the people for their approval or
21 rejection a proposed amendment to Section 10 of
22 Article VI of the Oklahoma Constitution; modifying
23 certain parole authority; requiring certain
24 communication; providing ballot title; and directing
filing.

1 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

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

23 The Pardon and Parole Board by majority vote shall have the
24 power and authority to grant parole for nonviolent offenses after

1 conviction, upon such conditions and with such restrictions and
2 limitations as the majority of the Pardon and Parole Board may deem
3 proper or as may be required by law. The Pardon and Parole Board
4 shall have no authority to grant but may recommend parole for
5 persons sentenced pursuant to Section 13.1 of Title 21 of the
6 Oklahoma Statutes or the exceptions to nonviolent offenses as
7 defined by Section 571 of Title 57 of the Oklahoma Statutes.

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

22 ~~He~~ The Governor shall communicate to the Legislature, at each
23 regular session, each case of reprieve, commutation, parole or
24 pardon, granted, stating the name of the ~~convict~~ person receiving

1 clemency, the crime of which ~~he~~ the person was convicted, the date

2 and place of conviction, and the date of commutation, pardon, parole

3 ~~and~~ or reprieve.

4 The Pardon and Parole Board shall communicate to the

5 Legislature, at each regular session, all paroles granted, stating

6 the names of the persons paroled, the crime of which the persons

7 were convicted, the dates and places of conviction, and the dates of

8 paroles.

9 SECTION 2. The Ballot Title for the proposed Constitutional

10 amendment as set forth in SECTION 1 of this resolution shall be in

11 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 Section 10 of Article 6 of the State

16 Constitution. This measure allows the Pardon and Parole Board

17 to grant parole for any nonviolent offense. It requires a

18 report to the Legislature every year for all pardons and

19 paroles.

20 SHALL THE PROPOSAL BE APPROVED?

21 FOR THE PROPOSAL - YES _____

22 AGAINST THE PROPOSAL - NO _____

23 SECTION 3. The President Pro Tempore of the Senate shall,

24 immediately after the passage of this resolution, prepare and file

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 25

By: Brecheen and Lerblance of
the Senate

3
4 and

5 Faught of the House
6

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.

11

12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

14 SECTION 4. The Secretary of State shall refer to the people for
15 their approval or rejection, as and in the manner provided by law,
16 the following proposed amendment to Section 10 of Article VI of the
17 Oklahoma Constitution to read as follows:

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

22 An attorney member of the Board shall be prohibited from
23 representing in the courts of this state persons charged with felony
24 offenses. The appointed members shall hold their offices

1 coterminous with that of the Governor and shall be removable for
2 cause only in the manner provided by law for elective officers not
3 liable to impeachment. It shall be the duty of the Board to make an
4 impartial investigation and study of applicants for commutations,
5 pardons or paroles, and by a majority vote make its recommendations
6 to the Governor of all persons deemed worthy of clemency. The
7 Pardon and Parole Board by majority vote shall have the power and
8 authority to grant parole for nonviolent offenses after conviction,
9 upon such conditions and with such restrictions and limitations as
10 the majority of the Pardon and Parole Board may deem proper or as
11 may be required by law. Provided, the Pardon and Parole Board shall
12 have no authority to make recommendations regarding parole for
13 ~~convicts~~ persons sentenced to death or sentenced to life
14 imprisonment without parole or sentenced pursuant to Section 13.1 of
15 Title 21 of the Oklahoma Statutes or the exceptions to nonviolent
16 offenses as defined by Section 571 of Title 57 of the Oklahoma
17 Statutes.

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

1 a ~~convict~~ person has been sentenced to death or sentenced to life
2 imprisonment without parole. The Legislature shall have the
3 authority to prescribe a minimum mandatory period of confinement
4 which must be served by a person prior to being eligible to be
5 considered for parole. A full and complete pardon by the Governor
6 for a criminal offense shall operate to restore any lost, diminished
7 or suspended civil rights to the person, except where civil rights
8 have been lost, diminished or suspended for another criminal offense
9 for which the person has not received a full pardon. The Governor
10 shall have power to grant after conviction, reprieves, or leaves of
11 absence not to exceed sixty (60) days, without the action of ~~said~~
12 the Pardon and Parole 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
20 Legislature, at each regular session, all paroles granted, stating
21 the names of the persons paroled, the crime of which the persons
22 were convicted, the dates and places of conviction, and the dates of
23 paroles.

24

1 SECTION 5. 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 allows the Pardon and Parole Board
9 to grant parole for any nonviolent offense. It restores civil
10 rights to a person who receives a pardon for a criminal offense.
11 It requires a report to the Legislature every year for all
12 pardons and paroles.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

16 SECTION 6. The President Pro Tempore of the Senate shall,
17 immediately after the passage of this resolution, prepare and file
18 one copy thereof, including the Ballot Title set forth in SECTION 2
19 hereof, with the Secretary of State and one copy with the Attorney
20 General.

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