

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE JOINT
4 RESOLUTION 44

By: Nichols

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; clarifying
11 certain parole authority on recommendations;
12 providing ballot title; and directing filing.

13 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
14 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

19 Section 10. There is hereby created a Pardon and Parole Board
20 to be composed of five members; three to be appointed by the
21 Governor; one by the Chief Justice of the Supreme Court; one by the
22 Presiding Judge of the Criminal Court of Appeals or its successor.
23 An attorney member of the Board shall be prohibited from
24 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 of a quorum or by the
7 manner provided by law make its recommendations to the Governor of
8 all persons deemed worthy of clemency. Provided, the Pardon and
9 Parole Board shall have no authority to make recommendations
10 regarding parole for ~~convicts~~ persons sentenced to death or
11 sentenced to life imprisonment without parole.

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

1 conviction, reprieves, or leaves of absence not to exceed sixty (60)
2 days, without the action of ~~said~~ the Pardon and Parole Board.

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

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 says a certain vote can be made by a
17 majority of a quorum of the Pardon and Parole Board. It also
18 states the vote can be by a method provided by law.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES _____

21 AGAINST THE PROPOSAL - NO _____

22 SECTION 3. The President Pro Tempore of the Senate shall,
23 immediately after the passage of this resolution, prepare and file
24 one copy thereof, including the Ballot Title set forth in SECTION 2

1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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