

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE JOINT  
4 RESOLUTION 46

By: Coates

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 authority of Governor to grant parole; requiring  
12 certain communication; requiring enactment of certain  
13 laws; providing for noncodification; providing ballot  
14 title; and directing filing.

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
16 2ND SESSION OF THE 53RD 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 amendment to Section 10 of Article VI of the  
20 Oklahoma Constitution to read as follows:

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

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 and pardons or paroles, and by a majority vote make its  
7 recommendations to the Governor of ~~all~~ cases deemed worthy of  
8 clemency. ~~Provided, the~~ The Pardon and Parole Board by majority  
9 vote shall have no the power and authority to make recommendations  
10 regarding grant parole after conviction of a felony offense to any  
11 person sentenced to prison or jail in this state upon such  
12 conditions and with such restrictions and limitations as the  
13 majority of the Pardon and Parole Board may deem proper, or as may  
14 be required by law, except for convicts persons sentenced to death  
15 or sentenced to life imprisonment without parole.

16 The Governor shall have the power to grant, after conviction and  
17 after favorable recommendation by a majority vote of the ~~said~~ Pardon  
18 and Parole Board, commutations, and pardons and paroles for all  
19 felony offenses, except cases of impeachment, upon such conditions  
20 and with such restrictions and limitations as ~~he~~ the Governor may  
21 deem proper, subject to such regulations as may be prescribed by  
22 law. ~~Provided, the Governor shall not have the power to grant~~  
23 ~~paroles if a convict has been sentenced to death or sentenced to~~  
24 ~~life imprisonment without parole.~~ The Legislature shall have the

1 authority to prescribe a minimum mandatory period of confinement  
2 which must be served by a person prior to being eligible to be  
3 considered for parole. The Governor shall have power to grant after  
4 conviction, reprieves, or leaves of absence not to exceed sixty (60)  
5 days, without the action of ~~said~~ the Pardon and Parole Board.

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

12 The Pardon and Parole Board shall communicate to the  
13 Legislature, at each regular session, all paroles granted, stating  
14 the names of the persons paroled, the crime of which the persons  
15 were convicted, the dates and places of conviction, and the dates of  
16 paroles.

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

20 BALLOT TITLE

21 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

23 This measure amends Section 10 of Article 6 of the Oklahoma

24 Constitution. This measure removes the Governor from the parole

1 process. It gives authority to the Pardon and Parole Board to  
2 grant paroles for criminal felony offenses. It requires a  
3 report to the Legislature each regular session for all pardons,  
4 paroles, commutations, and reprieves.

5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL - YES \_\_\_\_\_

7 AGAINST THE PROPOSAL - NO \_\_\_\_\_

8 SECTION 3. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 Upon passage of the Constitutional amendment as set forth in  
11 SECTION 1 of this resolution, the Legislature shall enact any laws  
12 necessary to fully implement and support the Pardon and Parole Board  
13 in carrying out its duties and obligations to grant paroles pursuant  
14 to the Oklahoma Constitution.

15 SECTION 4. The President Pro Tempore of the Senate shall,  
16 immediately after the passage of this resolution, prepare and file  
17 one copy thereof, including the Ballot Title set forth in SECTION 2  
18 hereof, with the Secretary of State and one copy with the Attorney  
19 General.

20  
21 53-2-1882 MD 10/3/2011 11:59:49 AM