STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE JOINT
RESOLUTION 57 By: Laster

AS INTRODUCED

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

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

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

Section 10. There is hereby created a Pardon and Parole Board to be composed of five members; three to be appointed by the Governor; one by the Chief Justice of the Supreme Court; one by the 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

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

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the ~~said~~ Pardon and Parole Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as ~~he~~ the Governor may deem proper, subject to such regulations as may be prescribed by law.

Provided, the Governor shall not have the power to grant paroles if a ~~convict~~ person has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe a minimum mandatory period of confinement which must be served by a person prior to being eligible to be considered for parole. A full and complete pardon by the Governor for a criminal offense shall operate to restore any lost, diminished or suspended civil rights to the person, except where civil rights have been lost, diminished or suspended for another criminal offense for which the person has not received a full pardon. The Governor shall have power to grant after conviction, reprieves~~,~~ or leaves of absence not to exceed sixty (60) days, without the action of ~~said~~ the Pardon and Parole Board.

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

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

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Section 10 of Article 6 of the State Constitution. This measure allows the Pardon and Parole Board to grant parole for any nonviolent offense. It restores civil rights to a person who receives a pardon for a criminal offense. It requires a report to the Legislature every year for all pardons and paroles.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

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

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