

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 70

By: Brecheen

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 2ND SESSION OF THE 53RD 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. The
8 Pardon and Parole Board by majority vote shall have the power and
9 authority to grant parole for nonviolent offenses after conviction,
10 upon such conditions and with such restrictions and limitations as
11 the majority of the Pardon and Parole Board may deem proper or as
12 may be required by law. Provided, the Pardon and Parole Board shall
13 have no authority to make recommendations regarding parole for
14 ~~convicts~~ persons sentenced to death or sentenced to life
15 imprisonment without parole or sentenced pursuant to Section 13.1 of
16 Title 21 of the Oklahoma Statutes or the exceptions to nonviolent
17 offenses as defined by Section 571 of Title 57 of the Oklahoma
18 Statutes.

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

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

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

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

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 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 3. 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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