

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE JOINT
4 RESOLUTION 26

By: Brinkley

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
Article VI of the Oklahoma Constitution; providing
ballot title; and directing filing.

10
11
12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

14 SECTION 1. 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. Reprieves, commutations, paroles and pardons.

19 There is hereby created a Pardon and Parole Board to be composed
20 of five members; three to be appointed by the Governor; one by the
21 Chief Justice of the Supreme Court; one by the Presiding Judge of
22 the Criminal Court of Appeals or its successor. An attorney member
23 of the Board shall be prohibited from representing in the courts of
24 this state persons charged with felony offenses. The appointed

1 members shall hold their offices coterminous with that of the
2 Governor and shall be removable for cause only in the manner
3 provided by law for elective officers not liable to impeachment. It
4 shall be the duty of the Board to make an impartial investigation
5 and study of applicants for commutations, pardons or paroles, and by
6 a majority vote make its recommendations to the Governor of all
7 persons deemed worthy of clemency. Provided, the Pardon and Parole
8 Board shall have no authority to make recommendations regarding
9 parole for persons sentenced to death or sentenced to life
10 imprisonment without parole.

11 The Pardon and Parole Board by majority vote shall have the
12 power and authority to grant parole for nonviolent offenses after
13 conviction, upon such conditions and with such restrictions and
14 limitations as the majority of the Pardon and Parole Board may deem
15 proper or as may be required by law. The Pardon and Parole Board
16 shall have no authority to grant but may recommend parole for
17 persons sentenced pursuant to Section 13.1 of Title 21 of the
18 Oklahoma Statutes or ~~the exceptions to nonviolent~~ violent offenses
19 as defined by Section 571 of Title 57 of the Oklahoma Statutes.

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

1 subject to such regulations as may be prescribed by law. Provided,
2 the Governor shall not have the power to grant paroles if a person
3 has been sentenced to death or sentenced to life imprisonment
4 without parole. The Legislature shall have the authority to
5 prescribe a minimum mandatory period of confinement which must be
6 served by a person prior to being eligible to be considered for
7 parole. The Governor shall have power to grant after conviction,
8 reprieves or leaves of absence not to exceed sixty (60) days,
9 without the action of the Pardon and Parole Board.

10 The Governor shall communicate to the Legislature, at each
11 regular session, each case of reprieve, commutation, parole or
12 pardon granted, stating the name of the person receiving clemency,
13 the crime of which the person was convicted, the date and place of
14 conviction, and the date of commutation, pardon, parole or reprieve.

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

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

23 BALLOT TITLE

24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends Section 10 of Article 6 of the State
3 Constitution. The Pardon and Parole Board may grant parole for
4 offenders who committed nonviolent offenses. The Pardon and
5 Parole Board may only recommend parole for offenders who
6 committed violent offenses, and the Governor has power to grant
7 parole for those offenders. The amendment would clarify violent
8 offenses as defined by Section 571 of Title 57 of the Oklahoma
9 Statutes.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES _____

12 AGAINST THE PROPOSAL - NO _____

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

18
19 55-1-672 BH 2/18/2016 7:16:51 PM