

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Joint Resolution No. 25, by striking the title, resolving clause and entire body of the resolution and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Brecheen

Brecheen-MD-FS-Req#1619  
3/16/2011 2:12 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR  
5 SENATE JOINT  
6 RESOLUTION NO. 25

By: Brecheen of the Senate

and

Faught of the House

7  
8  
9 FLOOR SUBSTITUTE

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

17 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
18 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

23 Section 10. There is hereby created a Pardon and Parole Board  
24 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.

1 An attorney member of the Board shall be prohibited from  
2 representing in the courts of this state persons charged with felony  
3 offenses. The appointed members shall hold their offices  
4 coterminous with that of the Governor and shall be removable for  
5 cause only in the manner provided by law for elective officers not  
6 liable to impeachment. It shall be the duty of the Board to make an  
7 impartial investigation and study of applicants for commutations,  
8 pardons or paroles, and by a majority vote make its recommendations  
9 to the Governor of all persons deemed worthy of clemency. The  
10 Pardon and Parole Board by majority vote shall have the power and  
11 authority to grant parole for nonviolent offenses after conviction,  
12 upon such conditions and with such restrictions and limitations as  
13 the majority of the Pardon and Parole Board may deem proper or as  
14 may be required by law. Provided, the Pardon and Parole Board shall  
15 have no authority to make recommendations regarding parole for  
16 ~~convicts~~ persons sentenced to death or sentenced to life  
17 imprisonment without parole or sentenced pursuant to Section 13.1 of  
18 Title 21 of the Oklahoma Statutes or the exceptions to nonviolent  
19 offenses as defined by Section 571 of Title 57 of the Oklahoma  
20 Statutes.

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

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

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

22 The Pardon and Parole Board shall communicate to the  
23 Legislature, at each regular session, all paroles granted, stating  
24 the names of the persons paroled, the crime of which the persons

1 were convicted, the dates and places of conviction, and the dates of  
2 paroles.

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

6 BALLOT TITLE

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

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL — YES \_\_\_\_\_

17 AGAINST THE PROPOSAL — NO \_\_\_\_\_

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

23  
24 53-1-1619 MD 3/16/2011 2:12:53 PM