

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE JOINT  
7 RESOLUTION NO. 25

By: Brecheen and Lerblance of  
the Senate

and

Steele, Faught, Pittman,  
Condit, Shelton and Tibbs  
of the House

11                               COMMITTEE SUBSTITUTE

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

18 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
19 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

1       Section 10. There is hereby created a Pardon and Parole Board  
2 to be composed of five members; three to be appointed by the  
3 Governor; one by the Chief Justice of the Supreme Court; one by the  
4 Presiding Judge of the Criminal Court of Appeals or its successor.  
5 An attorney member of the Board shall be prohibited from  
6 representing in the courts of this state persons charged with felony  
7 offenses. The appointed members shall hold their offices  
8 coterminous with that of the Governor and shall be removable for  
9 cause only in the manner provided by law for elective officers not  
10 liable to impeachment. It shall be the duty of the Board to make an  
11 impartial investigation and study of applicants for commutations,  
12 pardons or paroles, and by a majority vote make its recommendations  
13 to the Governor of all persons deemed worthy of clemency. Provided,  
14 the Pardon and Parole Board shall have no authority to make  
15 recommendations regarding parole for ~~convicts~~ persons sentenced to  
16 death or sentenced to life imprisonment without parole.

17       The Pardon and Parole Board by majority vote shall have the  
18 power and authority to grant parole for nonviolent offenses after  
19 conviction, upon such conditions and with such restrictions and  
20 limitations as the majority of the Pardon and Parole Board may deem  
21 proper or as may be required by law. The Pardon and Parole Board  
22 shall have no authority to grant but may recommend parole for  
23 persons sentenced pursuant to Section 13.1 of Title 21 of the

1 Oklahoma Statutes or the exceptions to nonviolent offenses as  
2 defined by Section 571 of Title 57 of the Oklahoma Statutes.

3 The Governor shall have the power to grant, after conviction and  
4 after favorable recommendation by a majority vote of the ~~said~~ Pardon  
5 and Parole Board, commutations, pardons and paroles for all  
6 offenses, except cases of impeachment, upon such conditions and with  
7 such restrictions and limitations as ~~he~~ the Governor may deem  
8 proper, subject to such regulations as may be prescribed by law.  
9 Provided, the Governor shall not have the power to grant paroles if  
10 a ~~convict~~ person has been sentenced to death or sentenced to life  
11 imprisonment without parole. The Legislature shall have the  
12 authority to prescribe a minimum mandatory period of confinement  
13 which must be served by a person prior to being eligible to be  
14 considered for parole. The Governor shall have power to grant after  
15 conviction, reprieves, or leaves of absence not to exceed sixty (60)  
16 days, without the action of ~~said~~ the Pardon and Parole Board.

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

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

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

9                                       BALLOT TITLE

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

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12       This measure amends Section 10 of Article 6 of the State  
13 Constitution. This measure allows the Pardon and Parole Board  
14 to grant parole for any nonviolent offense. It requires a  
15 report to the Legislature every year for all pardons and  
16 paroles.

17 SHALL THE PROPOSAL BE APPROVED?

18 FOR THE PROPOSAL — YES \_\_\_\_\_

19 AGAINST THE PROPOSAL — NO \_\_\_\_\_

20       SECTION 3. The President Pro Tempore of the Senate shall,  
21 immediately after the passage of this resolution, prepare and file  
22 one copy thereof, including the Ballot Title set forth in SECTION 2  
23  
24

1 hereof, with the Secretary of State and one copy with the Attorney  
2 General.

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/22/2012 - DO PASS,  
5 As Amended and Coauthored.

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