

E N R O L L E D

SENATE JOINT RESOLUTION NO. 10

BY: COMMITTEE ON CONSTITUTIONAL
AMENDMENTS OF SENATE AND
HOUSE.

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10 OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, RELATING TO EXECUTIVE CLEMENCY, AND PROVIDING FOR THE CREATION OF A PARDON AND PAROLE BOARD; THE MANNER OF APPOINTMENT, DUTIES, TENURE OF OFFICE AND MANNER OF REMOVAL, PROVIDING THAT THE GOVERNOR SHALL HAVE POWER TO GRANT, AFTER CONVICTION AND AFTER FAVORABLE RECOMMENDATION BY A MAJORITY VOTE OF SAID BOARD, COMMUTATIONS, PARDONS AND PAROLES, EXCEPT IN CASES OF IMPEACHMENT, AND THAT THE GOVERNOR SHALL HAVE POWER TO GRANT, AFTER CONVICTION, REPRIEVES AND LEAVES OF ABSENCE NOT TO EXCEED SIXTY DAYS WITHOUT THE ACTION OF SAID BOARD; PROVIDING THAT THE GOVERNOR SHALL REPORT HIS ACTS OF CLEMENCY TO THE LEGISLATURE, AND PROVIDING FOR THE SUBMISSION OF THIS AMENDMENT TO A VOTE OF THE PEOPLE.

BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETEENTH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That the following amendment to Section 10 of Article 6 of the Constitution of the State of Oklahoma be and the same is hereby proposed. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law. Said Proposed Amendment is to be in lieu of said Section 10, and shall read as follows:

SECTION 10. Article 6. 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. The appointed members shall hold their office co-terminous 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 deemed worthy of clemency.

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the said Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. The Governor shall have power to grant after conviction, reprieves, or leaves of absence not to exceed sixty days, without the action of said Board.

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

SECTION 2. The ballot for said proposed Amendment shall be in the following form:

"Ballot Title

Legislative Referendum No. _____ State Question No. _____

The gist of this proposition is as follows:

Shall a Constitutional Amendment, amending Section 10 of Article 6 of the Constitution of the State of Oklahoma, providing for the creation of a Pardon and Parole Board, the manner of appointment, duties, tenure of office and manner of removal: that the Governor shall have power to grant, after conviction and after favorable recommendation by a majority vote of said Board, commutations, pardons and paroles, except in cases of impeachment, and that the Governor shall have power to grant, after convictions, reprieves and leaves of absence, not to exceed sixty days, without action of the Board, and for reports by the Governor of all acts of clemency to the Legislature, be approved by the People?

Shall the Proposed Amendment be approved

.... Yes

.... No

SECTION 3. The President pro Tempore of the Senate shall immediately after the adoption of this resolution prepare and file one (1) copy of the resolution, including the above ballot title, with the Secretary of State, and one (1) copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State on the 11th day of July, 1944, at which the proposed Amendment to the Constitution of the State of Oklahoma set forth

in Section 1 of this resolution shall be submitted to the people of Oklahoma for their approval or rejection, as and in the manner provided by law.

Passed the Senate the 28th day of January, 1943.

Theodore Pruett

Acting President of the Senate

Passed the House of Representatives the 18th day of February, 1943.

Harold Freeman

Speaker of the House of Representatives

CORRECTLY ENROLLED

B SPECK

CHAIRMAN OF COMMITTEE ON ENGROSSED AND ENROLLED BILLS

RECEIVED

2-24-43 at 11:45 A M

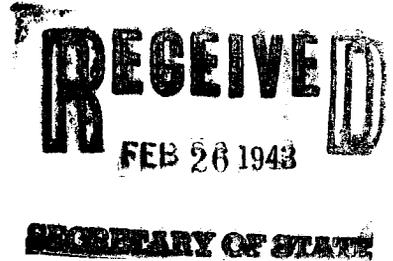
F. C. Carter, Secretary of State

By B R

MAC O. WILLIAMSON
ATTORNEY GENERAL



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY



February 25, 1943

Honorable Frank C. Carter
Secretary of State
B u i l d i n g

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by Section 1, Article 1, Chapter 30, Oklahoma Session Laws 1939, he has examined the proposed Ballot Title of Senate Joint Resolution No. 10 of the Nineteenth Legislature of the State of Oklahoma, same being State Question No. 309, Legislative Referendum No. 224, which, together with a copy of said Resolution, was delivered to him on February 24, 1943, by the Honorable Tom Anglin, President Pro Tempore of the Senate of said Legislature, and from said examination finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General has prepared and is submitting herewith, same to be filed in your office, a Ballot Title for said measure, which, in his opinion, does conform to the law. Said Ballot Title is as follows:

"Ballot Title

State Question No. 309

Legislative Referendum No. 816

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

Amending Section 10, Article 6, Constitution of Oklahoma; creating a Pardon and Parole Board and defining its duties; providing tenure of office of its members and manner of their appointment and removal; authorizing the Governor to grant, after conviction and favorable recommendation by majority vote of said Board, commutations, pardons and paroles except in cases of impeachment, and to grant, after conviction and without such recommendation, reprieves and leaves of absence for not to exceed 60 days; and requiring

Hon. Frank C. Carter

2-25-43

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the Governor to report all acts of clemency
to the Legislature,
be approved by the people?

....
: : YES
....

SHALL THE PROPOSED AMENDMENT BE APPROVED?

....
: : NO."
....

Yours very truly,

FOR THE ATTORNEY GENERAL

Fred Hansen
Fred Hansen
Assistant Attorney General

FH:LW

cc: Honorable Tom Anglin
State Senator
Building

RECEIVED

SECRETARY OF STATE