

ENROLLED SENATE JOINT RESOLUTION NO. 1  
ENACTED BY THE FIRST REGULAR SESSION OF  
THE THIRTY-SIXTH LEGISLATURE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE:  
LEGISLATIVE REFERENDUM NO. 219, STATE QUESTION NO. 525

RECEIVED: May 5, 1977

# A Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 1

BY: LAMBERT, BIRDSONG, KILPATRICK,  
BOATNER, CLIFTON, FUNSTON,  
SHATWELL, SMITH and YORK of  
the SENATE

and

HOOD, NANCE, CAMP, DENMAN,  
HAMMONS, HOLADAY, JOHNSON  
(Don), JOINER, LAWTER, McCALEB  
and STEWARD of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT OF SECTION 10 OF ARTICLE VI OF THE OKLAHOMA CONSTITUTION RELATING TO THE POWERS AND DUTIES OF THE PARDON AND PAROLE BOARD AND THE GOVERNOR CONCERNING COMMUTATIONS, PARDONS AND PAROLES; AUTHORIZING THE LEGISLATURE TO PRESCRIBE FOR PERSONS CONVICTED OF THREE FELONIES ARISING OUT OF SEPARATE AND DISTINCT TRANSACTIONS A MINIMUM MANDATORY PERIOD OF CONFINEMENT WHICH MUST BE SERVED PRIOR TO BEING ELIGIBLE TO BE CONSIDERED FOR PAROLE; PROVIDING PROHIBITING ATTORNEY MEMBERS OF PARDON AND PAROLE BOARD FROM REPRESENTING IN THE COURTS OF THE STATE PERSONS CHARGED WITH FELONY OFFENSES; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

Correctly Enrolled. *Gray Miller*, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

(Enrolled in accordance with Senate Bill No. 116 of the Twenty-seventh Legislature)

1 ENGROSSED SENATE  
JOINT  
2 RESOLUTION NO. 1

BY: LAMBERT, BIRDSONG, KILPATRICK,  
BOATNER, CLIFTON, FUNSTON,  
SHATWELL, SMITH and YORK of  
the SENATE

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HOOD of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF  
STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR  
REJECTION A PROPOSED AMENDMENT OF SECTION 10 OF  
ARTICLE VI OF THE OKLAHOMA CONSTITUTION RELATING  
TO THE POWERS AND DUTIES OF THE PARDON AND PAROLE  
BOARD AND THE GOVERNOR CONCERNING COMMUTATIONS,  
PARDONS AND PAROLES; AUTHORIZING THE LEGISLATURE  
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PROHIBITING ATTORNEY MEMBERS OF PARDON AND PAROLE  
BOARD FROM REPRESENTING IN THE COURTS OF THE STATE  
PERSONS CHARGED WITH FELONY OFFENSES; PROVIDING  
BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
1ST SESSION OF THE 36TH OKLAHOMA LEGISLATURE:

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

Section 10. 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. An attorney  
member of the Board shall be prohibited from representing in the  
courts of this state persons charged with felony offenses. The  
appointed members shall hold their offices coterminous with that of  
the Governor and shall be removable for cause only in the manner

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1 provided by law for elective officers not liable to impeachment. It  
2 shall be the duty of the Board to make an impartial investigation and  
3 study of applicants for commutations, pardons or paroles, and by a  
4 majority vote make its recommendations to the Governor of all deemed  
5 worthy of clemency.

6 The Governor shall have the power to grant, after conviction and  
7 after favorable recommendation by a majority vote of the said Board,  
8 commutations, pardons and paroles for all offenses, except cases of  
9 impeachment, upon such conditions and with such restrictions and  
10 limitations as he may deem proper, subject to such regulations as may  
11 be prescribed by law. The Legislature shall have the authority to  
12 prescribe for those persons convicted of three felonies arising out  
13 of separate and distinct transactions a minimum mandatory period of  
14 confinement which must be served prior to being eligible to be  
15 considered for parole. The Governor shall have power to grant after  
16 conviction, reprieves, or leaves of absence not to exceed sixty days,  
without the action of said Board.

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

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

25 **BALLOT TITLE**

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

27 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

28 Shall a Constitutional amendment

29 amending Section 10 of Article VI of the Constitution  
30 of the State of Oklahoma to provide that the  
31 Legislature shall have the authority to prescribe for  
32 those persons convicted of three felonies arising out  
33 of separate and distinct transactions a minimum  
34 mandatory period of confinement which must be served  
35

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1 prior to being eligible to be considered for parole and  
2 prohibiting attorney members of the Board from  
3 representing persons charged with felonies  
4 be approved by the people?

5  
6 SHALL THE PROPOSED AMENDMENT BE APPROVED?

7  YES, FOR THE AMENDMENT

8  NO, AGAINST THE AMENDMENT

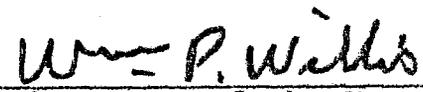
9  
10 SECTION 3. The President Pro Tempore of the Senate shall,  
11 immediately after the effective date of this resolution, prepare and  
12 file one copy thereof, including the Ballot Title set forth in  
13 SECTION 2 hereof, with the Secretary of State and one copy with the  
14 Attorney General.

15 SECTION 4. This proposed amendment to the Constitution of the  
16 State of Oklahoma as set forth in SECTION 1 of this resolution shall  
17 be submitted to the people of Oklahoma at the next statewide election  
18 for their approval or rejection as and in the manner provided by law.

19 Passed the Senate the 16th day of March, 1977.

20  
21  
22   
23 President Pro Tempore of the Senate

24 Passed the House of Representatives the 3rd day of May,  
25 1977.

26  
27   
28 Speaker of the House of  
29 Representatives  
30  
31  
32  
33  
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36

Correctly Enrolled:  
Chairman Committee on Engrossed and Enrolled Bills

Passed the Senate the 16th day of March, 1977, and correctly enrolled the 3d day of May, 1977.

*acting* *R. C. ...*  
President of the Senate

Passed the House of Representatives the 3d day of May, 1977.

*Wm. P. ...*  
Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 5<sup>th</sup>

*Corrected*  
day of April May, 1977,

at 11:10 o'clock A. M.

By: *James W. Byrd*

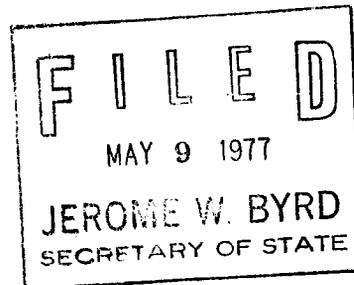
*Vertical text on the left margin, possibly a date stamp or reference number.*

STATE  
OF  
OKLAHOMA  
**THE ATTORNEY GENERAL**  
**LARRY DERRYBERRY**

STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105, TELEPHONE 405/521-3921



May 6, 1977



The Honorable Jerome W. Byrd  
Secretary of State  
State Capitol Building  
Oklahoma City, Oklahoma 73105

Dear Mr. Byrd:

You are hereby notified that, pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. Supp. 1976, § 9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 1 of the First Regular Session of the Thirty-sixth Oklahoma Legislature, and from said examination finds that said ballot title is not in legal form and harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

State Question No. 525

Legislative Referendum No. 219

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a constitutional amendment

amending Section 10 of Article VI of the Constitution of the State of Oklahoma to provide that the Legislature shall have the authority to prescribe for those persons convicted of three felonies arising out of separate and distinct transactions a minimum mandatory period of confinement which must be served prior to being eligible to be considered for parole and to prohibit attorney members of the Pardon and Parole Board from representing in the courts of this state persons charged with felonies

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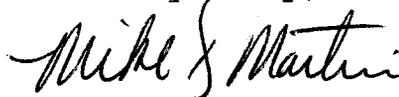
be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES - FOR THE AMENDMENT

NO - AGAINST THE AMENDMENT

Yours very truly,



MIKE D. MARTIN  
ASSISTANT ATTORNEY GENERAL

MDM:sw