

ENROLLED SENATE JOINT RESOLUTION NUMBER 27  
ENACTED BY THE FIRST REGULAR SESSION OF THE  
FORTIETH LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE  
LEGISLATIVE REFERENDUM NUMBER 257  
STATE QUESTION NUMBER 593

RECEIVED: June 4, 1985

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 27

BY: WRIGHT and TALIAFERRO of  
the SENATE  
and  
CLARK, MANAR, DAVIS  
(Frank), HAMILTON  
(Rebecca) and WILLAMSON  
of the HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 10 OF ARTICLE VI OF THE CONSTITUTION OF THE STATE OF OKLAHOMA, WHICH RELATES TO REPRIEVES, COMMUTATIONS, PAROLES AND PARDONS; PROHIBITING THE PARDON AND PAROLE BOARD AND THE GOVERNOR FROM RECOMMENDING OR GRANTING PAROLES TO CONVICTS SENTENCED TO DEATH OR TO LIFE IMPRISONMENT WITHOUT PAROLE; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 40TH 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 to 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 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. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for convicts sentenced to death or sentenced to life imprisonment without parole.

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. Provided, the Governor shall not have the power to grant paroles if a convict has been sentenced to death or sentenced to life imprisonment without parole. 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. The Governor shall have power to grant after conviction, reprieves, or leaves of absence not to exceed sixty (60) 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 Title for the proposed Constitutional Amendment as set forth in Section 1 of this resolution shall be in the following form:

BALLOT TITLE

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

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend Section 10 of Article 6 of the State Constitution. This section deals with reprieves, commutations, pardons and paroles. It would take away the power of the Pardon and Parole Board and the Governor to grant paroles to convicts sentenced to death or to life in prison without parole. This means a person sentenced to life without parole or to death could not get out on parole. It would still give the Pardon and Parole Board the power to recommend parole for other convicts. The Governor could still grant pardons, commutations and reprieves in all cases. He could also grant parole to other convicts.

SHALL THE PROPOSED AMENDMENT BE APPROVED?

- YES, FOR THE AMENDMENT  
 NO, AGAINST THE AMENDMENT

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

Correctly Enrolled

John R. Wilcox

Passed the Senate the 1st day of April, 1985.

ACTING

Herbert Reel  
President of the Senate

Passed the House of Representatives the 3d day of June, 1985.

L. Albert  
Speaker ~~Pro Tempore~~ of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

4th day of June, 1985,

at 4:11 o'clock P.M.

Jeanette D. Edmondson

By: \_\_\_\_\_



**MICHAEL C. TURPEN**  
**ATTORNEY GENERAL**

STATE OF OKLAHOMA  
STATE CAPITOL, OKLAHOMA CITY, OKLAHOMA 73105

June 21, 1985

RECEIVED

JUN 21 1985

OKLAHOMA SECRETARY  
OF STATE

The Honorable Jeannette B. Edmondson  
Secretary of State  
State Capitol  
Oklahoma City, Oklahoma 73105

Re: Ballot Title for Legislative Referendum  
No. 257, State Question No. 593

Dear Secretary Edmondson:

The Attorney General has received your letter dated June 18, 1985, requesting review of the subject Ballot Title as required by 34 O.S.Supp.1984, § 9.

The Ballot Title as proposed by you and approved by the Superintendent of Public Instruction, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, reads as follows:

**BALLOT TITLE**

"This measure would amend Section 10 of Article 6 of the Oklahoma Constitution. This section deals with reprieves, commutations, pardons and paroles. It would take away the power of the Pardon and Parole Board and the Governor to grant paroles to convicts sentenced to death or to life in prison without parole. This means a person sentenced to life without parole or to death could not get out on parole. It would still give the Pardon and Parole Board the power to recommend parole for other convicts. The Governor could still grant pardons, commutations and reprieves in all cases. He could also grant parole to other convicts."

The Honorable Jeannette B. Edmondson  
June 21, 1985  
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SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- ( ) Yes, for the amendment  
( ) No, against the amendment

The Attorney General has reviewed your proposed official Ballot Title for Legislative Referendum No. 257, State Question 593, and certifies that the proposed Ballot Title is in legal form and harmony with the law.

Sincerely  
  
MICHAEL C. TURPEN  
ATTORNEY GENERAL OF OKLAHOMA

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