

FILED

MAR 30 1988

OKLAHOMA SECRETARY
OF STATE

ENROLLED HOUSE JOINT RESOLUTION NUMBER 1053
ENACTED BY THE SECOND REGULAR SESSION OF THE
41ST LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

LEGISLATIVE REFERENDUM NUMBER 269

STATE QUESTION NUMBER 612

RECEIVED: March 30, 1988

Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1053

BY: ISTOOK, HENRY, HEATON,
HUNTER, WORTHEN, BUMPUS,
WICKERSHAM, SULLIVAN,
WILLIAMSON and DUCKETT of
the HOUSE

and

McCUNE of the SENATE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 8 OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; MODIFYING THE RIGHT TO BAIL; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 41ST 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 8 of Article II of the Constitution of the State of Oklahoma to read as follows:

Section 8. A. All persons shall be bailable by sufficient sureties, except that bail may be denied for:

1. capital offenses when the proof of guilt is evident, or the presumption thereof is great;

2. violent offenses;

3. offenses where the maximum sentence may be life imprisonment or life imprisonment without parole;

4. felony offenses where the person charged with the offense has been convicted of two or more felony offenses arising out of different transactions; and

5. controlled dangerous substances offenses where the maximum sentence may be at least ten (10) years imprisonment.

On all offenses specified in paragraphs 2 through 5 of this section, the proof of guilt must be evident, or the presumption must be great, and it must be on the grounds that no condition of release would assure the safety of the community or any person.

B. The provisions of this resolution shall become effective on July 1, 1989.

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 amends Section 8 of Article II of the Oklahoma Constitution. It expands the types of crimes for which bail may be denied. It allows bail to be denied to a person who commits a violent offense. It allows bail to be denied to a person who commits an offense which is punished by life imprisonment or life imprisonment without parole. It allows bail to be denied to a person who commits a felony offense after the person has been convicted of two or more felony offenses. It allows bail to be denied to a person who commits certain drug offenses. Bail may be denied for the specified offenses only if proof of guilt is evident and the safety of the community or of any person is not assured. This amendment shall become effective on July 1, 1989.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall 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.

Passed the House of Representatives the 29th day of March, 1988.

ACTING Charlie O. Morgan
Speaker of the House of
Representatives

Passed the Senate the 24th day of March, 1988.

ACTING David F. Roberts
President of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 30th
day of March, 1988,
at 2:57, o'clock P. M.
Hannah D. Atkins

By: _____