

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE JOINT
RESOLUTION 1053

By: Goodwin

AS INTRODUCED

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; requiring vote of the people to clarify voting procedures of the Pardon and Parole Board; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 59TH 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

1 representing in the courts of this state persons charged with felony
2 offenses. The appointed members shall hold their offices
3 coterminous with that of the Governor and shall be removable for
4 cause only in the manner provided by law for elective officers not
5 liable to impeachment. It shall be the duty of the Board to make an
6 impartial investigation and study of applicants for commutations,
7 pardons or paroles, and by a majority vote make its recommendations
8 to the Governor of all persons deemed worthy of clemency.

9 In cases where the applicant has received a sentence of death,
10 a recommendation by the Board for clemency that results in a tie
11 vote shall not constitute a denial of the recommendation.

12 Where the applicant has received a sentence of death, alternate
13 Board members shall be available to vote on a recommendation for
14 clemency when necessary to break a tie vote, in the absence of a
15 regularly appointed Board member, or when a regularly appointed
16 Board member has recused from voting due to an alleged conflict of
17 interest. Alternate members of the Pardon and Parole Board shall be
18 composed of seven members; three members appointed by the Governor;
19 two members appointed by the Chief Justice of the Supreme Court; and
20 two members appointed by the Presiding Judge of the Criminal Court
21 of Appeals or its successor. Alternate members of the Board shall
22 be prioritized according to the preferences of the appointing
23 authority. In cases where the utilization of an alternate member is
24 necessary to vote on a recommendation for clemency, the alternate

1 member selected shall represent the same appointing authority as
2 that of the Board member who is absent or has recused from voting
3 and shall have no less than one hundred eighty (180) days to review
4 the investigation and application for clemency. Provided, the
5 Pardon and Parole Board shall have no authority to make
6 recommendations regarding parole for persons sentenced to death or
7 sentenced to life imprisonment without parole.

8 The Pardon and Parole Board by majority vote shall have the
9 power and authority to grant parole for nonviolent offenses after
10 conviction, upon such conditions and with such restrictions and
11 limitations as the majority of the Pardon and Parole Board may deem
12 proper or as may be required by law. The Pardon and Parole Board
13 shall have no authority to grant but may recommend parole for
14 persons sentenced pursuant to Section 13.1 of Title 21 of the
15 Oklahoma Statutes or the exceptions to nonviolent offenses as
16 defined by Section 571 of Title 57 of the Oklahoma Statutes.

17 The Governor shall have the power to grant, after conviction and
18 after favorable recommendation by a majority vote of the Pardon and
19 Parole Board, commutations, pardons and paroles for all offenses,
20 except cases of impeachment, upon such conditions and with such
21 restrictions and limitations as the Governor may deem proper,
22 subject to such regulations as may be prescribed by law. Provided,
23 the Governor shall not have the power to grant paroles if a person
24 has been sentenced to death or sentenced to life imprisonment
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1 without parole. The Legislature shall have the authority to
2 prescribe a minimum mandatory period of confinement which must be
3 served by a person prior to being eligible to be considered for
4 parole. The Governor shall have power to grant after conviction,
5 reprieves or leaves of absence not to exceed sixty (60) days,
6 without the action of the Pardon and Parole Board.

7 The Governor shall communicate to the Legislature, at each
8 regular session, each case of reprieve, commutation, parole or
9 pardon granted, stating the name of the person receiving clemency,
10 the crime of which the person was convicted, the date and place of
11 conviction, and the date of commutation, pardon, parole or reprieve.

12 The Pardon and Parole Board shall communicate to the
13 Legislature, at each regular session, all paroles granted, stating
14 the names of the persons paroled, the crimes of which the persons
15 were convicted, the dates and places of conviction, and the dates of
16 paroles.

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

20 BALLOT TITLE

21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

23 This measure amends Section 10 of Article 6 of the Oklahoma
24 Constitution. It states that a tie vote on a recommendation for
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1 clemency shall not be considered a denial of clemency. It
2 allows for alternate members of the Pardon and Parole Board to
3 be selected and used under certain circumstances. It states
4 that seven (7) alternate members shall be selected and when an
5 alternate member is required to serve, the alternate member must
6 be from the same appointing authority as the Board member who
7 cannot serve. It also allows the alternate member time to
8 review the investigation and application for clemency.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL - YES _____

11 AGAINST THE PROPOSAL - NO _____

12 SECTION 3. The Speaker of the House of Representatives,
13 immediately after the passage of this act, shall prepare and file
14 one copy thereof, including the Ballot Title set forth in SECTION 2
15 hereof, with the Secretary of State and one copy with the Attorney
16 General.

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