

ENROLLED SENATE JOINT RESOLUTION 25
ENACTED BY THE SECOND REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 762
LEGISLATIVE REFERENDUM NUMBER 360

RECEIVED: MARCH 20, 2012

Resolution

ENROLLED SENATE

JOINT

RESOLUTION NO. 25

By: Brecheen, Lerblance and
Johnson (Constance) of the
Senate

and

Steele, Faught, Pittman,
Condit, Shelton, Tibbs and
Walker 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 Oklahoma Constitution; modifying certain parole authority; requiring certain communication; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 53RD 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 Oklahoma Constitution 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 persons deemed worthy of clemency. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for ~~convicts~~ persons sentenced to death or sentenced to life imprisonment without parole.

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

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the ~~said~~ Pardon and Parole Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as ~~he~~ the Governor 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~~ person has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe a minimum mandatory period of confinement which must be served by a person 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~~ the Pardon and Parole Board.

He The Governor shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole or pardon, granted, stating the name of the ~~convict~~ person receiving clemency, the crime of which ~~he~~ the person was convicted, the date

and place of conviction, and the date of commutation, pardon, parole ~~and~~ or reprieve.

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

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 10 of Article 6 of the State Constitution. This measure allows the Pardon and Parole Board to grant parole for any nonviolent offense. It requires a report to the Legislature every year for all pardons and paroles.


SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

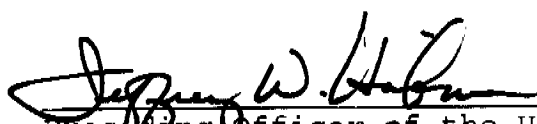
AGAINST THE PROPOSAL - NO _____

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.

Passed the Senate the 19th day of March, 2012.


Presiding Officer of the Senate

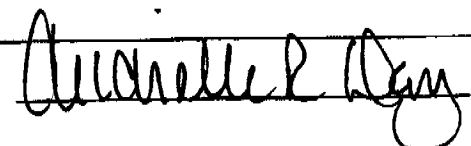
Passed the House of Representatives the 29th day of February,
2012.


Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

20th day of March, 2012
at 2:37 o'clock P. M.

By: 

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

March 20, 2012

The Honorable E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 25 was received in the Office of the Secretary of State this 20th day of March, 2012. This resolution has been designated as **State Question Number 762, Legislative Referendum Number 360**.

Pursuant to 34 O.S., § 9(C), this office is submitting the proposed ballot title to you for review.

If our office may be of further assistance, please let us know.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink that reads "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 762, Legislative Referendum Number 360

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

RECEIVED

MAR 21 2012

OFFICE OF THE
GOVERNOR

March 20, 2012

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 25 was received in the Office of the Secretary of State this 20th day of March, 2012. This resolution has been designated as **State Question Number 762, Legislative Referendum Number 360.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S., §9(C). The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink, reading "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 762, Legislative Referendum Number 360

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

March 20, 2012

The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

RECEIVED

MAR 21 2012

**STATE ELECTION
BOARD**

Dear Secretary Ziriaux:

You are hereby notified that Enrolled Senate Joint Resolution 25 was received in the Office of the Secretary of State this 20th day of March, 2012. This resolution has been designated as **State Question Number 762, Legislative Referendum Number 360.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. § 9(C). The official ballot title will be submitted to you upon completion of the review.

If our office may be of further assistance, please let us know.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in cursive script, reading "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 762, Legislative Referendum Number 360



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

March 28, 2012

FILED

MAR 28 2012

**OKLAHOMA SECRETARY
OF STATE**

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Kris Steele
Speaker, Oklahoma House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Glenn Coffec, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen
2300 N. Lincoln, Room 513A
Oklahoma City, Oklahoma 73105-4897

Re: Ballot Title for State Question No. 762, Legislative Referendum No. 360

Dear President Pro Tempore Bingman, Speaker Steele, Secretary Coffec and Senator Brecheen:

In accordance with the provisions of 34 O.S.2011, § 9(C), we have reviewed the proposed ballot title for the above-referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

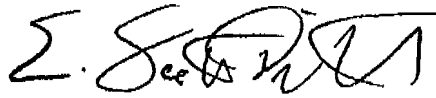
It does not adequately explain the effect of the proposition as:

- it does not explain that the measure would change the law to remove the Governor from the process of granting parole for nonviolent offenses;
- it does not explain that the measure provides that the Pardon and Parole Board may recommend to the Governor but may not itself grant parole for specified offenses - most of which are violent offenses;
- it mistakenly states that the measure requires a report to the Legislature for all ***pardons and paroles*** granted, whereas the measure requires a report for only ***paroles*** granted.



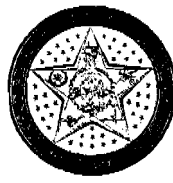
Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2011, § 9(C), within ten (10) business days, prepare a preliminary ballot title which complies with the law and furnish a copy to each of you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written in a cursive style.

E. SCOTT PRUITT
ATTORNEY GENERAL

ESP:ab



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

FILED

APR 11 2012

**OKLAHOMA SECRETARY
OF STATE**

April 11, 2012

The Honorable Brian Bingman
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Josh Brecheen
State Senator
2300 N. Lincoln, Room 513A
Oklahoma City, Oklahoma 73105

Re: Preliminary Ballot Title for State Question No. 762, Legislative Referendum No. 360

Dear Senator Bingman, Speaker Steele, Secretary Coffee and Senator Brecheen:

Having found that the proposed ballot title for the above-referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.2011, § 9(C), prepared the following Preliminary Ballot Title. As a Title 34 ballot title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Preliminary Ballot Title reads as follows:



PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 762

This measure amends Section 10 of Article 6 of the Oklahoma Constitution. It changes current law, decreasing the power and authority of the Governor by removing the Governor from the parole process for persons convicted of certain offenses defined as nonviolent offenses. It enlarges the power and authority of the Pardon and Parole Board by authorizing that Board, in place of the Governor, to grant parole to persons convicted of certain offenses defined as nonviolent offenses.

The Legislature defines what offenses are nonviolent offenses and the Legislature may change that definition.

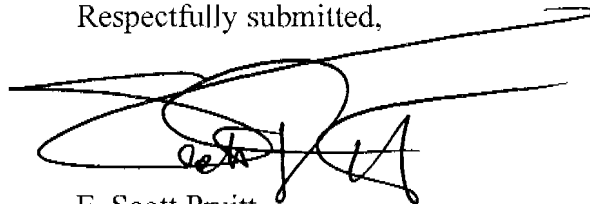
The measure authorizes the Pardon and Parole Board to recommend to the Governor, but not to itself grant, parole for persons convicted of certain offenses, specifically those offenses identified by law as crimes for which persons are required to serve not less than eighty-five percent of their sentence prior to being considered for parole and those designated by the Legislature as exceptions to nonviolent offenses. For those offenses for which persons are required to serve a minimum mandatory period of confinement prior to being eligible to be considered for parole, the Pardon and Parole Board may not recommend parole until that period of confinement has been served.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', is written over a horizontal line.

E. Scott Pruitt
Attorney General

ESP/ab

KRIS STEELE
SPEAKER



CAPITOL BUILDING
PHONE: (405) 557-7345

Office of the Speaker
Oklahoma House of Representatives
Oklahoma City, OK 73105

FILED
APR 23 2012
OKLAHOMA SECRETARY
OF STATE

April 19, 2012

The Honorable E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt,

Pursuant to the provisions of 34 O.S. 2011, § 9(C), I have reviewed your proposed ballot title for State Question No. 762 and would make the following comment. I would request that you strike the language in the second paragraph that reads, "The Legislature defines what offenses are nonviolent offenses and the Legislature may change that definition." I believe this language is unnecessary and does not speak to the effect of the proposition as required by 34 O.S. 2011, § 9(B)(2). The language should also be removed as it could be construed as expressing partiality in violation of 34 O.S. 2011, § 9(B)(4).

Thank you for your thoughtful consideration of these concerns and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Steele", written over a horizontal line.

Kris Steele
Speaker of the House

Cc: Senate President Pro Tempore Brian Bingman
Glenn Coffee, Secretary of State
Senator Josh Brecheen

KS:jhb

RECEIVED
APR 23 2012
OKLAHOMA SECRETARY
OF STATE



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

RECEIVED

APR 30 2012

OKLAHOMA SECRETARY
OF STATE

FILED

APR 30 2012

OKLAHOMA SECRETARY
OF STATE

April 30, 2012

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Brian Bingman
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Final Ballot Title for State Question No. 762, Legislative Referendum No. 360

Dear Secretary Coffee, Senator Bingman and Speaker Steele:

Having found that the proposed ballot title for the above-referenced state question did not comply with applicable laws, we prepared a Preliminary Ballot Title on April 11, 2012. We have considered comments by Speaker Steele to that Preliminary Ballot Title and, in accordance with 34 O.S. 2011, § 9(C), have prepared the following Final Ballot Title. As a Title 34 ballot title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 762

This measure amends Section 10 of Article 6 of the Oklahoma Constitution. It changes current law, decreasing the power and authority of the Governor by removing the Governor from the parole process for persons convicted of certain offenses defined as nonviolent offenses. It enlarges the power and authority of the Pardon and Parole Board by authorizing that Board, in place of the Governor, to grant parole to persons convicted of certain offenses defined as nonviolent offenses.



The Legislature defines what offenses are nonviolent offenses and the Legislature may change that definition.

The measure authorizes the Pardon and Parole Board to recommend to the Governor, but not to itself grant, parole for persons convicted of certain offenses, specifically those offenses identified by law as crimes for which persons are required to serve not less than eighty-five percent of their sentence prior to being considered for parole and those designated by the Legislature as exceptions to nonviolent offenses. For those offenses for which persons are required to serve a minimum mandatory period of confinement prior to being eligible to be considered for parole, the Pardon and Parole Board may not recommend parole until that period of confinement has been served.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal flourish extending to the right.

E. Scott Pruitt

Attorney General

cc:

ESP/ab



V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 4, 2012

RECEIVED

MAY 04 2012

STATE ELECTION
BOARD

The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Re: State Question No. 762, Legislative Referendum 360
Proposed Constitutional Amendments to Parole Process

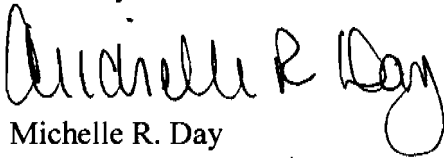
Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit the Attorney General's Final Ballot Title for State Question 762, Legislative Referendum 360 and attest that the enclosed copy of Senate Joint Resolution 25 is a true and accurate copy of the measure filed with this office.

If our office may be of further assistance, please let us know.

Sincerely,

V. Glenn Coffee
Secretary of State


Michelle R. Day
Assistant Secretary of State

Enclosures: Final Ballot Title
State Question 762, Legislative Referendum 360

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

RECEIVED

May 4, 2012

MAY 09 2012

OFFICE OF THE
GOVERNOR

The Honorable Mary Fallin
Governor, State of Oklahoma
Room 212, State Capitol
Oklahoma City, Ok 73105

Re: State Question 762, Legislative Referendum 360
Proposed Constitutional Amendments to Parole Process

Dear Governor Fallin:

Pursuant to 34 O.S. § 9(C)(2), the Secretary of State has transmitted to the Secretary of the Election Board an attested copy of the above reference measure, and the Final Ballot Title submitted by the Attorney General. A copy of the Final Ballot Title is enclosed for your information and records.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in cursive script that reads "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosures: Attorney General's Final Ballot Title
Transmittal letter to Secretary of the State Election Board