

**Stricken language would be deleted from and underlined language would be added to the Arkansas
Constitution.**

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Senator B. King

SJR 11

SENATE JOINT RESOLUTION

8 A PROPOSED CONSTITUTIONAL AMENDMENT CREATING THE
9 BOARD OF PARDONS FOR THE PURPOSE OF GRANTING PARDONS
10 AFTER CONVICTIONS; AND PROVIDING THAT A PERSON MAY
11 APPLY FOR A PARDON FROM EITHER THE GOVERNOR OR THE
12 BOARD OF PARDONS.

Subtitle

15 A PROPOSED CONSTITUTIONAL AMENDMENT
16 CREATING THE BOARD OF PARDONS FOR THE
17 PURPOSE OF GRANTING PARDONS AFTER
18 CONVICTIONS.

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22 BE IT RESOLVED BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE
23 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
24 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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26 That the following is proposed as an amendment to the Constitution of
27 the State of Arkansas, and upon being submitted to the electors of the state
28 for approval or rejection at the next general election for Representatives
29 and Senators, if a majority of the electors voting thereon at the election
30 adopt the amendment, the amendment shall become a part of the Constitution of
31 the State of Arkansas, to wit:

32
33 SECTION 1. Arkansas Constitution, Article 6, § 18, is amended to read
34 as follows:

35 § 18. Pardoning power.

36 (a) In all criminal and penal cases, except in those of treason and



1 impeachment, the Governor shall have power to grant reprieves, commutations
 2 of sentence, and pardons, after conviction; and to remit fines and
 3 forfeitures, under such rules and regulations as shall be prescribed by law.
 4 In cases of treason, he shall have power, by and with the advice and consent
 5 of the Senate, to grant reprieves and pardons; and he may, in the recess of
 6 the Senate, respite the sentence until the adjournment of the next regular
 7 session of the General Assembly. He shall communicate to the General
 8 Assembly at every regular session each case of reprieve, commutation or
 9 pardon, with his reasons therefor; stating the name and crime of the convict,
 10 the sentence, its date, and the date of the commutation, pardon or reprieve.

11 (b)(1)(A) There is created the Board of Pardons for the purpose of
 12 granting pardons after conviction as deemed appropriate by the board.

13 (B)(i) A person may apply for a pardon to either the
 14 Governor or the board.

15 (ii) A person who has applied for a pardon from the
 16 Governor is ineligible to seek a pardon from the board and a person who has
 17 applied for a pardon from the board is ineligible to seek a pardon from the
 18 Governor.

19 (2) The board shall consist of five (5) members as follows:

20 (A) Two (2) members appointed by the President Pro Tempore
 21 of the Senate;

22 (B) Two (2) members appointed by the Speaker of the House
 23 of Representatives; and

24 (C) One (1) member appointed by the Chief Justice of the
 25 Supreme Court.

26 (3)(A) A member of the board shall not serve more than two (2)
 27 terms on the board.

28 (b) Vacancies on the board shall be filled in the manner
 29 of the original appointment.

30 (4)(A)(i) One (1) of the initial members of the board appointed
 31 by the President Pro Tempore of the Senate shall serve a term of three (3)
 32 years and one (1) of the initial members of the board appointed by the
 33 President Pro Tempore of the Senate shall serve a term of four (4) years.

34 (ii) The initial members of the board appointed by
 35 the President Pro Tempore of the Senate shall draw lots to determine which
 36 member shall serve a term of three (3) years.

1 (B)(A) One (1) of the initial members of the board
 2 appointed by the Speaker of the House of Representatives shall serve a term
 3 of three (3) years and one (1) of the initial members of the board appointed
 4 by the Speaker of the House of Representatives shall serve a term of four (4)
 5 years.

6 (B) The initial members of the board appointed by
 7 the Speaker of the House of Representatives shall draw lots to determine
 8 which member shall serve a term of three (3) years.

9 (C) The initial member of the board appointed by the
 10 Governor shall serve a term of four (4) years.

11 (D) All subsequent persons appointed to the board shall
 12 serve a term of four (4) years.

13 (5) The board shall elect from its membership:

14 (A) A chair; and

15 (B) Other officers deemed necessary by the board.

16 (6)(A) Three (3) members of the board shall constitute a quorum
 17 for the purpose of transacting business.

18 (B) A majority vote of the total membership of the board
 19 is required for any action of the board.

20 (7) A member of the board shall be:

21 (A) A citizen of the United States;

22 (B) A resident of the State of Arkansas for at least two
 23 (2) years preceding his or her appointment;

24 (C) A qualified elector; and

25 (D) At least twenty-five (25) years of age.

26 (8)(A) The board shall have the power to grant pardons in
 27 criminal and penal cases, not including treason and impeachment.

28 (B) The board shall promulgate rules as prescribed by law
 29 that it deems necessary to its operations, including without limitation the
 30 form of applications for a pardon from the board.

31 (C) The decision of the board is final and not subject to
 32 appeal to any person or entity.

33 (9) The board, by a majority vote of the total membership of the
 34 board cast during its first regularly scheduled meeting of each calendar
 35 year, may authorize payment to its members of a stipend not to exceed eighty-
 36 five dollars (\$85.00) per day for each meeting attended or for any day while

1 performing any proper business of the board.

2 (10)(A) Initial members of the board shall be appointed within
3 thirty (30) days of the effective date of this section.

4 (B) The President Pro Tempore of the Senate shall call the
5 first meeting of the board, which shall occur within forty-five (45) days of
6 the effective date of this section.

7 (11)(A) No later than one hundred eighty (180) days after its
8 first meeting, the board shall promulgate rules as prescribed by law
9 concerning the procedures for applying for a pardon from the board.

10 (B) The board shall not accept applications for pardons
11 until the rules under subdivision (b)(11)(A) of this section are effective.

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13 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
14 amendment is submitted to the electors of this state on the general election
15 ballot:

16 (1) The title of this joint resolution shall be the ballot
17 title; and

18 (2) The popular name shall be "A Proposed Constitutional
19 Amendment Creating the Board of Pardons for the Purpose of Granting Pardons
20 After Convictions; and Providing that a Person May Apply for a Pardon from
21 either the Governor or the Board of Pardons."

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