

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

SJR 11

By: Senator B. King

**SENATE JOINT RESOLUTION**

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

**Subtitle**

A PROPOSED CONSTITUTIONAL AMENDMENT CREATING THE BOARD OF PARDONS FOR THE PURPOSE OF GRANTING PARDONS AFTER CONVICTIONS.

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

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

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

§ 18. Pardoning power.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The board shall elect from its membership:

(A) A chair; and

(B) Other officers deemed necessary by the board.

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

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

(7) A member of the board shall be:

(A) A citizen of the United States;

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

(C) A qualified elector; and

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

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

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

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

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

performing any proper business of the board.

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

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

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

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

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

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

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