

## 1 HOUSE JOINT RESOLUTION NO. 36

2 INTRODUCED BY W. WARBURTON

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING AN INTERIM STUDY ON THE APPROPRIATE COMPENSATION OF  
6 WRONGFULLY CONVICTED PERSONS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE  
7 REPORTED TO THE 63RD LEGISLATURE.

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9 WHEREAS, according to some experts, as many as 14% of people convicted each year may be innocent;  
10 and

11 WHEREAS, those who have been exonerated through postconviction DNA testing spent an average of  
12 12 years behind bars; and

13 WHEREAS, wrongfully convicted persons have not only lost a significant portion of their lives, but may  
14 leave prison with few opportunities to regain their lives and may need access to education, mental health  
15 services, medical care, and job training; and

16 WHEREAS, the state may be sued for compensation for a person who has been wrongfully convicted  
17 and incarcerated and although the occurrence of such a lawsuit may be rare, it is reasonable that the state should  
18 take measures to plan for such an occurrence and to mitigate the potential impact on the general fund;

19 WHEREAS, several states have established laws to standardize the amount of compensation to be paid  
20 for each year of a person's wrongful incarceration; and

21 WHEREAS, section 53-1-214, MCA, which states that the Department of Corrections shall authorize  
22 educational aid to the extent funds are appropriated, is not a complete solution; and

23 WHEREAS, an interim study would assist the Legislature by gathering research and information  
24 necessary to analyze policy options and develop solid recommendations concerning the appropriate  
25 compensation of wrongfully convicted persons.

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27 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
28 STATE OF MONTANA:

29 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
30 section 5-5-217, MCA, or direct sufficient staff resources to:

