62nd Legislature HJ0036.01

1	HOUSE JOINT RESOLUTION NO. 36
2	INTRODUCED BY W. WARBURTON
3	
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
0	and
1	WHEREAS, those who have been exonerated through postconviction DNA testing spent an average of
2	12 years behind bars; and
3	WHEREAS, wrongfully convicted persons have not only lost a significant portion of their lives, but may
4	leave prison with few opportunities to regain their lives and may need access to education, mental health
5	services, medical care, and job training; and
6	WHEREAS, the state may be sued for compensation for a person who has been wrongfully convicted
7	and incarcerated and although the occurrence of such a lawsuit may be rare, it is reasonable that the state should
8	take measures to plan for such an occurrence and to mitigate the potential impact on the general fund;
9	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
ın	section 5-5-217 MCA or direct sufficient staff resources to:

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1 (1) examine recommended practices and laws in other states concerning the compensation of wrongfully 2 convicted persons; 3 (2) gather information from experts in the field, stakeholders, and interested persons concerning the appropriate compensation of wrongfully convicted persons; 4 5 (3) develop and analyze policy options concerning the appropriate compensation of wrongfully convicted 6 persons; and 7 (4) make recommendations about laws that should be enacted in Montana concerning the appropriate 8 compensation of wrongfully convicted persons. 9 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be 10 presented to and reviewed by an appropriate committee designated by the Legislative Council. 11 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review

comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,

15 - END -

requirements, be concluded prior to September 15, 2012.

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