

## 1 HOUSE JOINT RESOLUTION NO. 41

2 INTRODUCED BY J. TREBAS

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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 OF INNOCENCE REVIEW COMMISSIONS AND  
6 CONVICTION INTEGRITY UNITS.

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8 WHEREAS, postconviction review of credible claims of factual innocence supported by verifiable  
9 evidence not previously presented or evident at trial or at a hearing granted through postconviction relief should  
10 be addressed as expeditiously as possible to ensure the innocent as well as the guilty receive justice; and

11 WHEREAS, public confidence in the justice system is strengthened by a thorough and timely inquiry  
12 into claims of factual innocence; and

13 WHEREAS, factual claims of innocence, which are determined to be credible, can most effectively be  
14 evaluated through a complete and independent investigation and review; and

15 WHEREAS, many other states have instituted task forces or commissions to investigate in a neutral  
16 and impartial manner the circumstances of a postconviction case, the admission of new evidence, the strength  
17 of evidence submitted during the original trial, and the main reasons the person was originally convicted.

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

21 That the Legislative Council be requested to designate an appropriate interim committee or statutory  
22 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine innocence review  
23 commissions and conviction integrity units.

24 BE IT FURTHER RESOLVED, that the study review:

25 (1) the structures, duties, authority, benefits, and financial costs of state or local innocence review  
26 commissions and conviction integrity units currently used in other states;

27 (2) existing Montana laws related to postconviction review procedures;

28 (3) consider the potential benefits and costs of creating a commission or other body in Montana to

1 examine and analyze innocence claims and previous convictions; and

2 (4) if appropriate, develop a committee bill to address any inefficiencies identified in the committee's  
3 findings and recommendations.

4 BE IT FURTHER RESOLVED, the study involve stakeholders, including district court judges, the  
5 Montana Department of Justice, defense attorneys, people representing currently incarcerated individuals and  
6 their families, crime victims and organizations that represent crime victims, and other stakeholders determined  
7 by the committee conducting the study.

8 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be  
9 presented to and reviewed by an appropriate committee designated by the Legislative Council.

10 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
11 requirements, be concluded prior to September 15, 2022.

12 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
13 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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