

SENATE BILL NO. 183  
INTRODUCED BY J. BOHLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR EDUCATIONAL AID FOR CERTAIN PERSONS EXONERATED OF A CRIME BY POSTCONVICTION DNA TESTING; PROVIDING FOR STATE AID FOR TUITION, FEES, BOOKS, BOARD, AND ROOM; AUTHORIZING THE BOARD OF REGENTS OF HIGHER EDUCATION TO WAIVE TUITION AND FEES FOR PERSONS ELIGIBLE FOR AID; AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Educational aid to wrongfully convicted persons exonerated by postconviction DNA testing.** (1) Subject to appropriation by the legislature, a person who was convicted in this state of a felony offense, who was incarcerated in a state prison for any period of time, and whose judgment of conviction was overturned by a court based on the results of postconviction forensic DNA testing that exonerates the person of the crime for which the person was convicted is entitled to receive educational aid at the state's expense. The department of corrections shall authorize educational aid for any person entitled to it under this section. The department shall establish, by rule, the procedures for application, designation of authority to receive aid, procedures for payment of aid, and forms to be used for this program. Aid under this section must include expenses for tuition, fees, books, board, and room at any:

- (a) Montana community college;
- (b) unit of the Montana university system, as described in 20-25-201; or
- (c) accredited Montana tribally controlled community college.

(2) State aid under this section must include assistance, as described in subsection (1), in meeting any admission standards or criteria required at any of the institutions listed in subsection (1), including but not limited to assistance in satisfying requirements for a certificate of equivalency of completion of secondary education and assistance in completing any adult education program or courses. An adult education fund must be reimbursed by the state for any costs of completing an adult education program or courses under this section.

(3) The board of regents of higher education may waive fees and tuition for education provided under this section pursuant to 20-25-421. The department of corrections shall notify the board of regents before August 1 of each year of educational aid that is to be provided under this section for the next school year.

(4) The privilege of receiving aid under this section remains active for 10 years after the release of a person who qualifies for aid under subsection (1). State education aid must continue for up to a total of 5 years of aid within the 10-year aid period or until the degree or program for which the person is authorized under subsection (1) is completed, whichever is less, as long as the person continues to make satisfactory progress in the courses or program attempted. Aid is available for completion of any degree or program available from the institutions listed in subsection (1), at the recipient's choice.

**Section 2.** Section 20-25-421, MCA, is amended to read:

**"20-25-421. Charges for tuition -- waivers.** (1) The regents may prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

(2) The regents may:

(a) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; however, when necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student support fee by the reciprocal state;

(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to 52-5-112 or [section 1];

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(iv) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States;

(v) the spouses or children of residents of Montana who have been declared to be prisoners of war or missing in action; or

(vi) the spouse or children of a Montana national guard member who was killed or died as a result of injury, disease, or other disability incurred in the line of duty while serving on state active duty;

(d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the

course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of the person's choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:

- (i) a paid or volunteer member of a municipal or rural fire department;
- (ii) a law enforcement officer as defined in 7-32-201; or
- (iii) a full-time highway patrol officer.

(3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition for up to 5,000 credits each academic year in accordance with the national guard education benefit program provided for in 10-1-121."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2003.

NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to a person exonerated on or before [the effective date of this act].

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