

## 1 HOUSE JOINT RESOLUTION NO. 36

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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 APPROPRIATE COMPENSATION FOR WRONGFULLY  
6 CONVICTED INDIVIDUALS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORT TO  
7 THE 67TH LEGISLATURE.

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9 WHEREAS, wrongfully convicted persons have been unjustly deprived of their lives and liberty by the  
10 state; and

11 WHEREAS, wrongfully convicted persons often spend decades in prison for crimes they did not commit,  
12 sacrificing time with their families and communities; and

13 WHEREAS, wrongfully convicted persons suffer financially, including losing income, assets, and  
14 opportunities to build careers and establish savings; and

15 WHEREAS, wrongfully convicted people who are exonerated face unique challenges when reentering  
16 society; and

17 WHEREAS, upon release, exonerees need immediate services, including housing, health care, and  
18 transportation; and

19 WHEREAS, state compensation laws that provide a fixed monetary award for each year of wrongful  
20 conviction can assist exonerees in rebuilding their lives; and

21 WHEREAS, 33 states, the federal government, and the District of Columbia have enacted statutes to  
22 compensate exonerees; and

23 WHEREAS, 16 states, the federal government, and the District of Columbia provide exonerees with  
24 \$50,000 or more for each year of wrongful incarceration; and

25 WHEREAS, Montana enacted section 53-1-214, MCA, in 2003 to provide educational aid at the state's  
26 expense to wrongfully convicted persons exonerated with postconviction DNA testing but the law has not been  
27 funded; and

28 WHEREAS, Montana has the only wrongful conviction compensation statute in the country that does not  
29 provide for monetary compensation to exonerees.

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

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
4 section 5-5-217, MCA, to:

5 (1) gather information from experts in the field, stakeholders, and interested persons concerning the  
6 appropriate compensation of wrongfully convicted persons;

7 (2) develop and analyze policy options concerning the appropriate compensation of wrongfully convicted  
8 persons; ~~and~~

9 (3) STUDY COMPENSATION PLANS THAT RELY ON FUNDING SOURCES FROM THE BONDS OF PUBLIC EMPLOYEES  
10 WHO WERE DIRECTLY INVOLVED WITH THE WRONGFUL CONVICTIONS, AS WELL AS THE COUNTY AND STATE AGENCIES THAT  
11 PROSECUTED THE ORIGINAL CASES RATHER THAN FUNDING FROM TAXES; AND

12 ~~(3)~~(4) make recommendations about laws that should be enacted in Montana concerning the appropriate  
13 compensation of wrongfully convicted persons.

14 BE IT FURTHER RESOLVED, that the committee's recommendations include:

15 (1) the amount of fixed monetary compensation that should be provided for each year of wrongful  
16 conviction;

17 (2) eligibility requirements for compensation;

18 (3) the entity that should adjudicate claims for compensation;

19 (4) the process for filing and adjudicating claims, including time limits for filing claims;

20 (5) the entity that should administer the state compensation fund;

21 (6) interaction between state compensation awards and civil awards stemming from the wrongful  
22 conviction;

23 (7) the source of state funding for claims (e.g. state insurance fund, general revenue fund, etc.);

24 (8) any additional monetary compensation that should be provided for years spent on death row or on  
25 postrelease supervision; and

26 (9) social services that should be provided to exonerees, such as health care, counseling, and reentry  
27 and housing assistance.

28 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
29 requirements, be concluded prior to September 15, 2020.

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

1 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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