



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF APPROPRIATE COMPENSATION FOR WRONGFULLY CONVICTED INDIVIDUALS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORT TO THE 67TH LEGISLATURE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) study compensation plans that rely on funding sources from the bonds of public employees who were directly involved with the wrongful convictions, as well as the county and state agencies that prosecuted the original cases rather than funding from taxes; and

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

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

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

(2) eligibility requirements for compensation;

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

I hereby certify that the within joint resolution,
HJ 0036, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE JOINT RESOLUTION NO. 36

INTRODUCED BY J. KRAUTTER, S. FITZPATRICK, S. MORIGEAU, A. OLSEN, K. SULLIVAN

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