

SENATE BILL NO. 229

INTRODUCED BY B. HOVEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EDUCATIONAL OPPORTUNITIES
5 FOR INDIVIDUALS WITH CRIMINAL BACKGROUNDS; PROVIDING CERTAIN LEGAL PROTECTIONS FOR
6 PRIVATE EDUCATIONAL INSTITUTIONS AND PROGRAMS IN ADMITTING AND ENROLLING INDIVIDUALS
7 WITH CRIMINAL BACKGROUNDS; PROTECTING THE PRIVACY OF INDIVIDUALS WITH CRIMINAL
8 BACKGROUNDS ENROLLED IN PRIVATE EDUCATIONAL INSTITUTIONS AND PROGRAMS; AND
9 PROVIDING AN EFFECTIVE DATE."

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11 WHEREAS, research conducted in the last 60 years shows that offenders who find gainful employment
12 and enter career fields and complete vocational and postsecondary education programs have less than a 4%
13 recidivism rate; and

14 WHEREAS, based on national data and research, it has been determined that criminal record exclusions
15 in educational programs contribute significantly to generational incarceration rates and involvement in the juvenile
16 justice system; and

17 WHEREAS, it is in the interests of the state and communities to increase access to vocational and
18 postsecondary education for offenders to increase the self-sufficiency of offenders and their families and reduce
19 the costs to taxpayers of financially supporting housing and public assistance.

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

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23 **NEW SECTION. Section 1. Legal protections for private educational programs or institutions**
24 **accepting students with criminal records -- disclosure of criminal records.** (1) A private educational program
25 or institution that substantially complies in good faith with this section may not be held liable regarding negligent
26 admissions practices for acts committed by a student with a criminal record who is admitted and enrolled in the
27 program or institution if:

- 28 (a) a review of a prospective student's criminal record by the educational program or institution prior to
29 admitting the student did not show a disposition of the case or indicated an acquittal or dismissal;
30 (b) the student's conviction was for a misdemeanor offense;

- 1 (c) the student has received a conditional discharge under 46-23-1020;
- 2 (d) the student provides a valid certificate of completion issued by a correctional institution or an entity
3 recognized by the department of corrections for rehabilitative treatment or a rehabilitative course;
- 4 (e) the student is under the supervision of the probation and parole division of the department of
5 corrections and participation or enrollment has been approved by a supervising officer; or
- 6 (f) the student has a valid rehabilitation certificate, order, or other similar document issued by a Montana
7 court or by another state or federal court or agency that is authorized by that jurisdiction declaring or otherwise
8 stating that the student has been rehabilitated.
- 9 (2) A private educational program or institution may not disclose or require disclosure of a criminal record
10 or criminal history of a student to third parties unless required by statute or to comply with federal regulations
11 concerning educational programs and institutions.

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13 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 20, chapter 1, and the provisions of Title 20, chapter 1, apply to [section 1].

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16 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2019.

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