

SENATE JOINT RESOLUTION NO. 18

INTRODUCED BY D. SANDS

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF OCCUPATIONAL LICENSING BARRIERS FACED BY INDIVIDUALS WITH CRIMINAL RECORDS.

WHEREAS, according to the National Conference of State Legislatures, one in three American adults have a criminal record; and

WHEREAS, finding and keeping employment after release from prison can be difficult for many reasons, including the lack of relevant skills, stigmas surrounding hiring an individual with a criminal record, and the individual's criminal history; and

WHEREAS, requirements placed on applicants for professional licensure can create additional barriers to employment to those already faced by individuals returning from prison or who have a criminal record; and

WHEREAS, Article II, section 28, of Montana's Constitution declares that the laws for punishment of crimes are to be "founded on the principles of prevention, reformation, public safety, and restitution for victims"; and

WHEREAS, all of those principles are furthered when an individual punished for a crime who has served a criminal sentence can find appropriate employment; and

WHEREAS, licensing barriers for individuals with a criminal record can bar otherwise qualified individuals from higher-paying employment and reduce the number of employees available for businesses to hire; and

WHEREAS, while some barriers to employment for an individual with a criminal record could be eliminated or lowered, others are necessary to preserve public safety and avoid creating additional crime victims; and

WHEREAS, a legislative interim committee is well-positioned to determine the balance between the importance of ensuring individuals with a criminal conviction can find and keep jobs and reducing recidivism with the need to preserve the public safety, health, and well-being of all Montanans through occupational licensing practices.

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



1 STATE OF MONTANA:

2 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
3 section 5-5-217, MCA, or direct sufficient staff resources to examine state laws, administrative rules, and licensing  
4 board practices that might bar individuals with a criminal history from obtaining a professional license.

5 BE IT FURTHER RESOLVED, that the study analyze:

6 (1) the statutory and constitutional provisions related to restoration of rights after a criminal conviction,  
7 as well as recent legislative efforts to revise laws related to criminal convictions and employment;

8 (2) current practices of licensing boards when the boards consider a license application from an individual  
9 with a criminal history;

10 (3) any data related to the current numbers of individuals with a criminal history who have been granted  
11 a professional license in the state of Montana compared to those who have applied; and

12 (4) the actions other states have taken to revise professional licensing requirements to account for  
13 individuals with a criminal conviction.

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

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

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

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