

David C. Avery
116 Bentley Park Loop
Missoula, MT 59801
(406) 370-0884
davidcavery64@gmail.com

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Montana Senate
Economic Affairs Interim Committee
Chairwoman Sharon Steward Peregoy

Re: Senate Joint Resolution No. 18

Dear Madam Chair:

I write in support of SJ 18 and to share some of my personal experiences that have prompted this statement.

In 2015, after practicing criminal defense law in western Montana for fifteen years, I pled guilty to a felony DUI. Before going to residential alcohol treatment in the WATCH program, I voluntarily inactivated my law license upon being advised that I would otherwise be disbarred. Although I haven't strongly considered reactivating my law license since returning from WATCH, that option has been and remains available to me through the Commission On Practice office within the Montana Supreme Court. Even if I had been disbarred, there exists a process within that office and the Court that makes reversal of disbarment possible.

The same is not true in Montana for scores of occupations and professions, including many that do not even involve the critical fiduciary duties that are fundamental to practicing law. Specifically, the Montana Code includes at least 523 provisions that restrict full participation in an amazing array of businesses, occupations, and licensure based on criminal history. During the last four years, in the course of researching and applying for non-legal employment, I have been confronted with several of these restrictions. Likewise, through my volunteering with Welcome Back, a group of mainly previously incarcerated persons helping newly returning citizens reintegrate into the Missoula community, as well as through my work with the Missoula Interfaith Collaborative, I have mentored or otherwise engaged with more than several returning citizens whose employment and/or occupational pursuits were limited by these restrictions.

In terms of economics, this proliferation of restrictions doesn't make sense. As I have witnessed, employment is critical to a returning citizen's reintegration into the community, and lack of employment exponentializes a returning citizen's risk of recidivating. Thus, curtailment of many of these restrictions would help to lower the costs of reincarcerating individuals who might have otherwise been able to fully reintegrate. Notably, many returning citizens aspire to once again be the main

breadwinner for their family. When they are able to do so, their families need less public assistance. And perhaps most importantly, returning citizens who successfully secure gainful employment will be contributing to Montana's tax coffers, rather than lessening those funds because of the costs of incarceration.

Finally, I note that Section 28 of Article II of the Montana Constitution, titled "Rights of the Convicted," provides as follows:

Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are restored by termination of state supervision for any offense against the state.

If not explicitly, the proliferation of occupational restrictions on reintegrating citizens contravenes the clear spirit of this constitutional mandate.

This is an important matter, both in terms of economics and justice, so I strongly urge that the Committee endorse SJ 18, so that there can be a clear understanding of consequences of these restrictions, as well as some direction toward possible solutions.

Thank you for your attention to this statement,

David Auery