

HJ 36-1 Fact Sheet

I. Costs

➤ **National Landscape:**

- \$68,000 = Average compensation paid to U.S exonerees per yr of wrongful imprisonment.
- Some laws provide a fixed amount & others determine the amount on a case-by-case basis. The majority provide a fixed amount of at least \$50,000 per year of wrongful incarceration (18 states). More recent laws offer higher amounts:
 - D.C = \$200,000
 - Nevada= \$100,000
 - Texas= \$80,000
 - Colorado= \$70,000
 - Kansas= \$65,000

➤ **HJ 36 would provide \$60,000 per year of wrongful imprisonment.**

- MT Median Family Income= **\$68,940** in 2018.¹
- MT Median Household Income= **\$55,328** in 2018.²

➤ **HJ 36 would save money for the state of Montana.**

- HJ 36 costs \$3.9 m for 7 exonerees.
- Federal civil lawsuits cost the State of Montana \$3.5 m for 1 exoneree & state faces 4 pending exoneree lawsuits.³
- Federal lawsuits in MT have cost a total of \$15.5m for 3 exonerees (*settlements were reached with the state and/or counties in the 3 cases*).

➤ **7 Montanans are potentially eligible under HJ 36**

- 14 Montana exonerations since 1989, according to the National Registry of Exonerations.⁴
- 7 could be eligible if they meet the requirements in HJ 36. 7 are ineligible because:
 - 2 were convicted but never sentenced.
 - 2 are serving life sentences for other crimes.
 - 3 would be entitled to \$0 w/civil offset (already received civil settlements > state compensation).

II. Will Courts Be Flooded w/Litigation?

- HJ 36 is a state civil lawsuit and judges already have the power to dismiss a frivolous lawsuit that on its face has no merit. Additionally, the defendant (e.g the state of Montana) can file a motion to dismiss a claim.
- HJ 36 is based on state compensation laws in Kansas and Nevada, which have experienced a minimal number of claims.

¹ Census ACS 1 year survey (2019 results will be available Sept 2020). <https://www.deptofnumbers.com/income/montana/> Median Family Income is the total income of all people who are related and living in a housing unit; income distribution is divided into two equal groups, half having income above that amount, and half having income below that amount.

² Id. Median Household Income is the total income of all people who occupy a housing unit regardless of relationship.

³ State of Montana reached a \$3.5m civil settlement with Jimmy Ray Bromgard in 2008. He filed a federal civil lawsuit against the state of Montana based on unconstitutional misconduct by a state laboratory employee.

⁴ National Registry of Exonerations. <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>

