

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 12, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Ellsworth and Speaker Regier:

When any Montanan is convicted and incarcerated for a crime he or she didn't commit, that individual deserves redress and compensation. The 2021 Legislature established an optional path for compensation through House Bill 92. The 2023 Legislature passed House Bill 423 continuing the optional wrongful conviction compensation program and clarifying several of its procedural aspects. On April 28, 2023, I submitted an amendatory veto to the Legislature to improve the bill. On May 5, 2023, the House approved my amendatory veto with 87 voting yes and 8 voting no. Unfortunately, the Senate motion to sine die passed on May 5 before the Senate had the opportunity to consider my amendatory veto, and for that reason the amendatory veto failed.

Historically, counties have been found liable for approximately 77% of the damages paid to persons wrongfully convicted, and the state has been found liable for approximately 23%. That is why current law allocates responsibility for 25% of the costs associated with the wrongful conviction compensation program to the state and 75% to counties. House Bill 423 eliminates the counties' responsibility for its share of costs under the program and places 100% of the responsibility on state taxpayers.

If a county's conduct leads to a wrongful conviction, it is appropriate for the county to accept responsibility for its actions and pay its share of damages. Shifting 100% of the responsibility of the cost of the optional wrongful conviction program to state taxpayers is a disincentive for counties to ensure proper training and implement other measures that prevent conduct leading to wrongful convictions.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 423: "AN ACT GENERALLY REVISING

EXONEREE COMPENSATION LAWS; MAKING THE COMPENSATION PROCESS PERMANENT; REVISING WHAT INFORMATION MUST ACCOMPANY A CLAIM FOR COMPENSATION; REVISING WHEN A CLAIMANT CONVICTED PRIOR TO JULY 2021 MAY FILE A CLAIM; LIMITING WHEN A PROFFER OF ACTUAL INNOCENCE MAY BE REQUIRED; REMOVING A PARDON AS AN ACT THAT CAN BE USED TO ESTABLISH A CLAIM FOR COMPENSATION; REVISING WHEN A TRANSITION ASSISTANCE GRANT MUST BE PAID; ELIMINATING COUNTY OF CONVICTION AS A PARTY TO A CLAIM; PROVIDING FOR A TRANSFER OF FUNDS TO THE EXONEREE COMPENSATION FUND; MAKING THE STATUTORY APPROPRIATION OF THE EXONEREE COMPENSATION FUND PERMANENT; AMENDING SECTIONS 46-32-101, 46-32-102, 46-32-103, 46-32-104, AND 46-32-108, MCA; REPEALING SECTION 15, CHAPTER 574, LAWS OF 2021; AND PROVIDING EFFECTIVE DATES.”

The 2021 Legislature has previously appropriated funds to cover any pending claims filed under the wrongful conviction program.

Sincerely,



Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State