November 2020

Law and Justice Interim Committee
Rachel Weiss

STUDY SUMMARY: HJ 43 STUDY OF POSTCONVICTION RELIEF (2019-2020)

BACKGROUND

House Joint Resolution 43 (HJ 43), sponsored by Rep. Gordon Pierson during the 2019 legislative session, requested that an interim committee study alternative methods to conduct postconviction relief hearings and analyze whether types of evidence are equally considered when determining postconviction relief. The 2019-2020 Legislative Council assigned HJ 43 to the Law and Justice Interim Committee (LJIC) along with three other interim studies.

STUDY PROCCESS

When selecting priorities for its interim work, the LJIC members assigned a lower priority to the HJ 43 study. The committee directed its legal staff to provide a summary of the current postconviction processes used in Montana.

The LJIC's study plan also requested that a panel of stakeholders speak to the committee. On November 18, 2019, four speakers discussed their experiences with Montana's postconviction process and their perceptions of the strengths and weaknesses of it. The panelists were:

- Francis Meagher, family member of a crime victim;
- Tammy Plubell, Assistant Attorney General, Appellate Services Division, Montana Department of Justice;
- Chad Wright, Appellate Services Division Administrator, Office of the State Public Defender; and
- Judge Luke Berger, 5th Judicial District and member of the Sentence Review Division.

STUDY OUTCOMES

The committee did not request further information or presentations after receiving the staff paper and hearing from the panelists. It also did not request legislation related to the study.

STUDY MATERIALS

- HJ 43 study web page: https://leg.mt.gov/committees/interim/2019ljic/hj-43-study-2019/
- HJ 43 text: https://leg.mt.gov/bills/2019/billhtml/HJ0043.htm
- Staff memo on current postconviction processes: https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Meetings/Nov-2019/Background-post-conviction-relief-laws-from-staff.pdf
- November 2019 panel discussion video: http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20191118/-1/37287?mediaStartTime=20191118142000&mediaEndTime=20191118153030&viewMode=2