



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS AND ON CRIMINAL RECORD EXPUNGEMENT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE IN THE FORM OF INTRODUCED LEGISLATION.

WHEREAS, criminal record clearance mechanisms have quickly become the preferred means to help mitigate many of the barriers and the stigmas that people with a criminal record often face; and

WHEREAS, historically, record clearance was relatively limited and involved restricting public access to a person's official criminal record, which could only be accessed through physical copies from a court; and

WHEREAS, technological innovations have fundamentally changed how information is accessed and shared, so criminal history information is now easily and cheaply available online from a wide variety of sources; and

WHEREAS, as a result, it can be difficult for a person's criminal history to be truly expunged in the digital public forum where employers, landlords, and others commonly seek information about an applicant's criminal history, and many individuals who have a history in the justice system continue to face employment and housing barriers due to background check errors that have been produced by private online sources; and

WHEREAS, state statutory and regulatory codes are littered with provisions that create barriers to employment, licensure, housing, and other opportunities due to a person's criminal history, and the extent to which these provisions implicate expunged criminal history is often uncertain; and

WHEREAS, people with criminal histories contend not only with legal barriers but also discrimination based on the stigmas of private employers and other actors.

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

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, to:

- (1) review existing criminal record expungement laws in the state;
- (2) investigate challenges related to collateral consequences of criminal convictions and how discrimination based on stigmas impacts individuals with expunged criminal records in the state. The study may include but is not limited to:
 - (a) the potential legal barriers to opportunity in housing and employment due to unaddressed ambiguity in law regarding expunged criminal history records;
 - (b) discrimination in housing and employment based on inquiries into expunged criminal history;
 - (c) interstate challenges experienced by people with expunged criminal history and any relief afforded by record clearance policies across state lines; and
 - (d) disclosure and dissemination of expunged criminal record information by commercial criminal record providers.
- (3) consider evaluating how landlords, housing providers, and employers in the state interpret expunged records and explore state incentive models, including Medicaid value-based payment models, for expungement-friendly housing;
- (4) analyze felony recidivism rates, employment outcomes, and social determinants of reentry success for individuals with expunged criminal records in the state;
- (5) consider analyzing employment retention, wage growth, and housing stability of individuals with expunged criminal records in the state before and after record expungement;
- (6) examine criminal record clearance laws in other states and identify whether these measures are or would be similarly effective in this state;
- (7) evaluate forensic peer support as a key expungement support service and examine models of peer support integration in reentry programs in other states, specifically in Ohio, Pennsylvania, and Texas; and
- (8) suggest specific changes to existing state law to respond to the legal barriers and discrimination, if any, that individuals with expunged criminal records face.

BE IT FURTHER RESOLVED, that the assigned committee collaborate with the general public and the relevant state and national stakeholders to examine this topic, including but not limited to the Department of Justice, the Office of the State Public Defender, the Department of Corrections, county prosecutors, and victim advocates.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 70th Legislature in the form of introduced legislation.

- END -

I hereby certify that the within bill,
HJ 45, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE JOINT RESOLUTION NO. 45

INTRODUCED BY K. SEEKINS-CROWE

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