

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

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

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

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

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

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

26
27 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
28 THE STATE OF MONTANA:

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

3 (1) review existing criminal record expungement laws in the state;
4 (2) investigate challenges related to collateral consequences of criminal convictions and how
5 discrimination based on stigmas impacts individuals with expunged criminal records in the state. The study may
6 include but is not limited to:

7 (a) the potential legal barriers to opportunity in housing and employment due to unaddressed
8 ambiguity in law regarding expunged criminal history records;
9 (b) discrimination in housing and employment based on inquiries into expunged criminal history;
10 (c) interstate challenges experienced by people with expunged criminal history and any relief
11 afforded by record clearance policies across state lines; and
12 (d) disclosure and dissemination of expunged criminal record information by commercial criminal
13 record providers.

14 (3) consider evaluating how landlords, housing providers, and employers in the state interpret
15 expunged records and explore state incentive models, including Medicaid value-based payment models, for
16 expungement-friendly housing;

17 (4) analyze felony recidivism rates, employment outcomes, and social determinants of reentry
18 success for individuals with expunged criminal records in the state;

19 (5) consider analyzing employment retention, wage growth, and housing stability of individuals with
20 expunged criminal records in the state before and after record expungement;

21 (6) examine criminal record clearance laws in other states and identify whether these measures
22 are or would be similarly effective in this state;

23 (7) evaluate forensic peer support as a key expungement support service and examine models of
24 peer support integration in reentry programs in other states, specifically in Ohio, Pennsylvania, and Texas; and

25 (8) suggest specific changes to existing state law to respond to the legal barriers and
26 discrimination, if any, that individuals with expunged criminal records face.

27 BE IT FURTHER RESOLVED, that the assigned committee collaborate with the general public and the
28 relevant state and national stakeholders to examine this topic, including but not limited to the Department of

1 Justice, the Office of the State Public Defender, the Department of Corrections, county prosecutors, and victim
2 advocates.

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

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

- END -