



West's Montana Code Annotated [Currentness](#)

Title 53. Social Services and Institutions

▢ [Chapter 1](#). General Administration of Institutions

▢ [Part 2](#). Department of Corrections

→ **53-1-214. Educational aid to wrongfully convicted persons exonerated by postconviction DNA testing**

(1) Subject to appropriation by the legislature, a person who was convicted in this state of a felony offense, who was incarcerated in a state prison for any period of time, and whose judgment of conviction was overturned by a court based on the results of postconviction forensic DNA testing that exonerates the person of the crime for which the person was convicted is entitled to receive educational aid at the state's expense. The department of corrections shall authorize educational aid for any person entitled to it under this section. The department shall establish, by rule, the procedures for application, designation of authority to receive aid, procedures for payment of aid, and forms to be used for this program. Aid under this section must include expenses for tuition, fees, books, board, and room at any:

- (a) Montana community college;
- (b) unit of the Montana university system, as described in [20-25-201](#); or
- (c) accredited Montana tribally controlled community college.

(2) State aid under this section must include assistance, as described in subsection (1), in meeting any admission standards or criteria required at any of the institutions listed in subsection (1), including but not limited to assistance in satisfying requirements for a certificate of equivalency of completion of secondary education and assistance in completing any adult education program or courses. An adult education fund must be reimbursed by the state for any costs of completing an adult education program or courses under this section.

(3) The board of regents of higher education may waive fees and tuition for education provided under this section pursuant to [20-25-421](#). The department of corrections shall notify the board of regents before August 1 of each year of educational aid that is to be provided under this section for the next school year.

(4) The privilege of receiving aid under this section remains active for 10 years after the release of a person who qualifies for aid under subsection (1). State education aid must continue for up to a total of 5 years of aid within the 10-year aid period or until the degree or program for which the person is authorized under subsection (1) is completed, whichever is less, as long as the person continues to make satisfactory progress in the courses or program attempted. Aid is available for completion of any degree or program available from the institutions listed in subsection (1), at the recipient's choice.

Enacted by [Laws 2003, ch. 255, § 1](#).

LIBRARY REFERENCES

Prisons 163.

Westlaw Key Number Search: 310k163.

RESEARCH REFERENCES

Encyclopedias

[92 Am. Jur. Proof of Facts 3d 379](#), Proof of Reliability of Eyewitness and Earwitness Testimony.

UNITED STATES CODE ANNOTATED

Innocence Protection Act (DNA), see [18 U.S.C.A. § 3600A](#); [42 U.S.C.A. §§ 14136e, 14163 et seq.](#)

MCA 53-1-214, **MT ST 53-1-214**

Current through all 2009 legislation

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