

Summer Newsletter

House Bill 92 becomes law, with Governor's amendments

House Bill 92 provides exonerees with \$60,000 for each year of their wrongful incarceration and \$25,000 for each year they were wrongfully supervised outside of prison—a significant victory for exonerees. However, Gov. Greg Gianforte issued an amendatory veto in the final days of the legislative session, altering the bill in three notable ways: (1) a person who claims compensation under HB92 is prohibited from making any civil rights claims against the state or local government; (2) the prosecuting county is responsible for 75% of damages awarded to the exoneree; and (3) the compensation program will sunset in two years, meaning the 2023 legislature will have to decide whether to continue it. While the law as enacted provides financial compensation for wrongfully incarcerated people for the first time in Montana, the bar on civil suits and the sunset provision will narrowly limit the number of individuals who can successfully apply for relief. MTIP remains committed to improving this legislation in the 2023 Session.

The fight for Aaron Oliphant's freedom continues

MTIP client Aaron Oliphant faced the Board of Pardons and Parole on June 29 to seek release from Montana State Prison where he has been wrongfully incarcerated since 2017. His wrongful conviction for Aggravated Assault on a Minor is based on the unproven theory of Shaken Baby Syndrome/Abusive Head Trauma. MTIP Legal Director, Caiti Carpenter, advocated for Aaron's release by providing an overview of his accomplishments, including his participation in wildfire crews, and his exemplary behavior in prison. Ultimately, the Board denied Aaron parole, citing that release at this juncture in his sentence would diminish the seriousness of the offense. The Board set Aaron's next hearing for 2024. While the chances of being granted parole at the first hearing are extremely limited, the Board's determination was disappointing nonetheless. In addition to our belief in his innocence, we know Aaron to be a model inmate who has taken every opportunity to better himself despite his circumstances. We continue to fight for Aaron's freedom and innocence with passion and persistence! [Learn more about Aaron's case >>](#)

MTIP reopens offices, resumes prison visits following lifted Covid-19 restrictions

MTIP has resumed client visits following the drawback of Covid-19 prison restrictions. Staff and pro bono attorneys have been able to deliver news to clients that cannot be shared over the phone and check in with clients who we have not seen in over a year. We are overjoyed to have this essential part of meaningful client representation restored.

Additionally, MTIP has reopened its offices to staff, volunteers, and clinic students. The down time offered an opportunity to make much needed renovations to our offices and implement critical systems updates—allowing us to maximize our limited space, provide a more welcoming and productive workspace for staff and volunteers in office, and improve remote work access. **We are excited to welcome you to our upcoming Open House (details below)!**

MTIP to host an Open House on September 9

MTIP invites you to an Open House on September 9, 2021 from 5:00 – 7:00 p.m. Please join us to visit our offices, meet staff and board members, and discuss your interest in the work. Our offices are located in the Alexander Blewett III School of Law at the University of Montana. Refreshments will be provided, and brief remarks will be made at 6:00 p.m. Follow us on social for updates as the event gets closer!