

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 718 entitled “An act relating to creation of the Restorative
4 Justice Study Committee” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) Restorative justice has proven to be very helpful in reducing
10 offender recidivism, and, in many cases, has resulted in positive outcomes for
11 victims.

12 (2) Victims thrive when they have options. Because the criminal justice
13 system does not always meet victims’ needs, restorative justice may provide
14 options to improve victims’ outcomes.

15 (3) Restorative justice as an alternative to incarceration of domestic and
16 sexual assault offenders should be assessed to determine whether the necessary
17 tools exist to ensure the safety of victims.

18 (4) Cultural shifts occur when communities are engaged in changing
19 violent behaviors and when victims and perpetrators have access to options
20 that support change and offer healing to families and communities. Allowing

1 for restorative justice intervention when deemed safe and appropriate may
2 achieve these goals.

3 Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

4 (a) Creation. There is created the Restorative Justice Study Committee for
5 the purpose of conducting a comprehensive examination of whether there is a
6 role for restorative justice principles and processes in domestic and sexual
7 violence and stalking cases.

8 (b) Membership. The Committee shall be composed of the following
9 members:

10 (1) the Executive Director of the Vermont Network Against Domestic
11 and Sexual Violence or designee;

12 (2) an executive director of a dual domestic and sexual violence
13 Network Member Program or designee, appointed by the Executive Director of
14 the Vermont Network Against Domestic and Sexual Violence;

15 (3) an executive director of a sexual violence Network Member Program
16 or designee, appointed by the Executive Director of the Vermont Network
17 Against Domestic and Sexual Violence;

18 (4) the Executive Director of the Vermont Center for Crime Victim
19 Services or designee;

20 (5) a representative of the Vermont Association of Court Diversion
21 Programs;

- 1 (6) a representative of a Vermont community justice program;
- 2 (7) a prosecutor who handles, in whole or in part, domestic violence,
3 sexual violence, and stalking cases, appointed by the Executive Director of the
4 Department of State’s Attorneys and Sheriffs;
- 5 (8) the Executive Director of Vermonters for Criminal Justice Reform or
6 designee;
- 7 (9) three representatives of organizations serving marginalized
8 Vermonters, appointed by the Vermont Network Against Domestic and Sexual
9 Violence;
- 10 (10) a representative of the Vermont Abenaki community, appointed by
11 the Governor;
- 12 (11) the Executive Director of the Discussing Intimate Partner Violence
13 and Accessing Support (DIVAS) Program for incarcerated women;
- 14 (12) the Coordinator of the Vermont Domestic Violence Council;
- 15 (13) the Commissioner of Corrections or a designee familiar with
16 community and restorative justice programs;
- 17 (14) a representative of the Office of the Defender General;
- 18 (15) the Court Diversion and Pretrial Services Director; and
- 19 (16) two victims of domestic and sexual violence or stalking appointed
20 by the Vermont Network Against Domestic and Sexual Violence.

1 (c) Powers and duties. The Committee shall study whether restorative
2 justice can be an effective process for holding perpetrators of domestic and
3 sexual violence and stalking accountable, while preventing future crime and
4 keeping victims and the greater community safe. In deciding whether
5 restorative justice can be suitable for each subset of cases, the Committee shall
6 study the following:

7 (1) the development of specialized processes to ensure the safety,
8 confidentiality, and privacy of victims;

9 (2) the nature of different offenses such as domestic violence, sexual
10 violence, and stalking, including the level of harm caused by or violence
11 involved in the offenses;

12 (3) the appropriateness of restorative justice in relation to the offense;

13 (4) a review of the potential power imbalances between the people who
14 are to take part in restorative justice for these offenses;

15 (5) ways to protect the physical and psychological safety of anyone who
16 is to take part in restorative justice for these offenses;

17 (6) training opportunities related to intake-level staff in domestic and
18 sexual violence and stalking;

19 (7) community collaboration opportunities in the implementation of
20 statewide protocols among restorative justice programs and local domestic and

1 sexual violence organizations, prosecutors, corrections, and organizations that
2 represent marginalized Vermonters;

3 (8) the importance of victims’ input in the development of any
4 restorative justice process related to domestic and sexual violence and stalking
5 cases;

6 (9) opportunities for a victim to participate in a restorative justice
7 process, which may include alternatives to face-to-face meetings with an
8 offender;

9 (10) risk-assessment tools that can assess perpetrators for risk prior to
10 acceptance of referral;

11 (11) any necessary data collection to provide the opportunity for
12 ongoing improvement of victim-centered response; and

13 (12) resources required to provide adequate trainings, ensure needed
14 data gathering, support collaborative information sharing, and sustain relevant
15 expertise at restorative justice programs.

16 (d) Assistance. The Vermont Network Against Domestic and Sexual
17 Violence shall convene the first meeting of the Committee and provide support
18 services.

19 (e) Reports. On or before December 1, 2018, the Vermont Network
20 Against Domestic and Sexual Violence, on behalf of the Committee, shall
21 submit an interim written report to the House Committee on Corrections and

1 Institutions and to the House and Senate Committees on Judiciary. On or
2 before July 1, 2019, the Vermont Network Against Domestic and Sexual
3 Violence, on behalf of the Committee, shall submit a final report to the House
4 Committee on Corrections and Institutions and to the House and Senate
5 Committees on Judiciary.

6 (f) Meetings.

7 (1) The Vermont Network Against Domestic and Sexual Violence shall
8 convene the meetings of the Committee, the first one to occur on or before
9 August 1, 2018.

10 (2) The Committee shall select a chair from among its members at the
11 first meeting.

12 (3) A majority of the membership shall constitute a quorum.

13 (4) The Committee shall cease to exist on July 1, 2019.

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on passage.

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1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE