

1 H.718

2 Introduced by Representatives Emmons of Springfield and Hooper of

3 Montpelier

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; domestic and sexual violence

7 Statement of purpose of bill as introduced: This bill proposes to establish the
8 Restorative Justice Study Committee for the purpose of conducting a
9 comprehensive examination of whether there is a role for restorative justice
10 principles and processes in domestic and sexual violence and stalking cases.

11 An act relating to creation of the Restorative Justice Study Committee

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

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

18 (2) Victims thrive when they have options. Because the criminal justice
19 system does not always meet victims' needs, restorative justice may provide
20 options to improve victims' outcomes.

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

4 (4) Cultural shifts occur when communities are engaged in changing
5 violent behaviors and when victims and perpetrators have access to options
6 that support change and offer healing to families and communities. Allowing
7 for restorative justice intervention when deemed safe and appropriate may
8 achieve these goals.

9 Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

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

14 (b) Membership. The Committee shall be composed of the following
15 members:

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

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

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

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

6 (5) a representative of the Vermont Association of Court Diversion
7 Programs;

8 (6) a representative of a Vermont community justice program;

9 (7) a prosecutor who handles, in whole or in part, domestic violence,
10 sexual violence, and stalking cases, appointed by the Executive Director of the
11 Department of State's Attorneys and Sheriffs;

12 (8) the Executive Director of Vermonters for Criminal Justice Reform or
13 designee;

14 (9) three representatives of organizations serving marginalized
15 Vermonters, appointed by the Vermont Network Against Domestic and Sexual
16 Violence;

17 (10) a representative of the Vermont Abenaki community, appointed by
18 the Governor;

19 (11) the Executive Director of the Discussing Intimate Partner Violence
20 and Accessing Support (DIVAS) Program for incarcerated women;

21 (12) the Coordinator of the Vermont Domestic Violence Council;

1 (13) the Vermont Department of Corrections' Community and
2 Restorative Justice Director;

3 (14) a representative of the Office of the Defender General; and

4 (15) two victims of domestic and sexual violence or stalking appointed
5 by the Vermont Network Against Domestic and Sexual Violence.

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

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

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

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

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

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

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

3 (7) community collaboration opportunities in the implementation of
4 statewide protocols among restorative justice programs and local domestic and
5 sexual violence organizations, prosecutors, corrections, and organizations that
6 represent marginalized Vermonters;

7 (8) the importance of victims' input in the development of any
8 restorative justice process related to domestic and sexual violence and stalking
9 cases;

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

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

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

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

1 (d) Assistance. The Vermont Network Against Domestic and Sexual
2 Violence shall convene the first meeting of the Committee and provide support
3 services.

4 (e) Reports. On or before December 1, 2018, the Vermont Network
5 Against Domestic and Sexual Violence, on behalf of the Committee, shall
6 submit an interim written report to the House and Senate Committees on
7 Judiciary. On or before July 1, 2019, the Vermont Network Against Domestic
8 and Sexual Violence, on behalf of the Committee, shall submit a final report to
9 the Joint Legislative Justice Oversight Committee.

10 (f) Meetings.

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

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

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

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

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on passage.