

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 179
3 entitled “An act relating to community justice centers” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 Sec. 1. 24 V.S.A. § 1964 is amended to read:

8 § 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;

9 CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE

10 MEETINGS

11 (a) Each community justice center:

12 (1) shall have an advisory board or board of directors comprising at least
13 51 percent citizen volunteers;

14 (2) may use a variety of community-based restorative justice
15 approaches, including restorative justice panels, group conferencing, or
16 mediation; and

17 (3) shall include programs to resolve disputes, address the needs of
18 victims, address the wrongdoing of the offender, and promote the rehabilitation
19 of youthful and adult offenders.

1 (b) Meetings of restorative justice panels and meetings to conduct
2 restorative justice group conferencing or mediation shall not be subject to the
3 Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

4 Sec. 2. 24 V.S.A. § 1965 is amended to read:

5 § 1965. ~~DUTIES~~ SCOPE OF WORK OF THE COMMUNITY JUSTICE

6 CENTERS

7 Each community justice center:

8 (1) shall work in close coordination with State agencies, law
9 enforcement agencies, State's Attorneys, social service providers, victim
10 advocacy organizations, and other community resources in administering the
11 programs defined in subdivision 1964(a)(3) of this title;

12 (2) shall, in collaboration with State and local agencies, provide training
13 on ~~the approaches to~~ restorative justice ~~process~~ to citizen volunteers to enable
14 their participation in the local community justice center;

15 (3) may address ~~quality-of-life~~ quality-of-life issues in the community it
16 serves by providing informational and educational resources to the
17 community; ~~and~~

18 (4) may apply for funding from private foundations, other governmental
19 sources, or other sources; and

20 (5) may receive cases referred by:

21 (A) local or State law enforcement prior to filing a charge;

- 1 (B) the State’s Attorney prior to filing a charge; or
2 (C) the court as a part of a sentence or a term of a suspended
3 sentence.

4 Sec. 3. 24 V.S.A. § 1966 is amended to read:

5 § 1966. COMMUNITY JUSTICE CENTERS’ RELATIONSHIP WITH
6 STATE GOVERNMENT ENTITIES

7 (a) Support from the Agency of Human Services. The Agency of Human
8 Services shall provide to the community justice centers the information,
9 analysis, and technical support that the community justice centers, in
10 collaboration with the Agency of Human Services, determine are necessary to
11 further ~~their~~ the Agency’s policy of restorative justice.

12 (b) Funding from the Agency of Human Services. The Agency of Human
13 Services may provide funding and authorize community justice centers to
14 participate in the implementation of ~~State~~ restorative programs related to
15 juvenile ~~and~~, criminal, and civil offenses.

16 (c) Access to information. Community justice center employees and
17 volunteers participating in State-funded programs shall have access to
18 information, analysis, and technical support as necessary to carry out their
19 duties within the program in accordance with State and federal confidentiality
20 statutes and policies. Victim information that is not part of the public record
21 shall not be released without the victim’s consent.

1 (d) Liability.

2 (1) For the purposes of defining liability, community justice center
3 volunteers participating in programs funded by the Agency of Human Services
4 pursuant to subsection (b) of this section shall be considered volunteers of ~~that~~
5 agency the Agency.

6 (2) In all other cases, the State ~~and the~~ municipality, or any other entity
7 operating a State-funded community justice center shall each be liable for the
8 acts and omissions of employees operating within the scope of their
9 employment.

10 Sec. 4. 28 V.S.A. § 910 is amended to read:

11 § 910. RESTORATIVE JUSTICE PROGRAM

12 This chapter establishes a program of restorative justice for use with
13 offenders required to participate in such a program as a condition of a sentence
14 of probation ~~or as ordered for civil contempt of a child support order under~~
15 ~~15 V.S.A. § 603~~. The ~~Program~~ program shall be carried out by community
16 ~~reparative boards~~ justice centers under the supervision of the Commissioner, as
17 provided by this chapter.

1 Sec. 5. 28 V.S.A. § 910a is amended to read:

2 § 910a. ~~REPARATIVE BOARDS~~ RESTORATIVE JUSTICE PANELS;
3 REENTRY; FUNCTIONS

4 (a) ~~The Commissioner~~ Each community justice center shall establish
5 ~~reparative boards~~ restorative justice panels and appoint to them members of the
6 community with the advice and recommendation of local nonprofit
7 organizations or municipal entities ~~in the localities concerned.~~ ~~The~~
8 ~~Commissioner shall appoint each board member to a term of one to three~~
9 ~~years, may reappoint a member to consecutive terms, and may remove a~~
10 ~~member for good cause.~~ The local probation and parole office and the
11 volunteer services coordinator together shall screen the volunteer prior to the
12 volunteer's commencing service on a restorative justice panel.

13 (b) ~~Each board shall elect its chair from its membership. A chair may serve~~
14 ~~for no more than one year uninterrupted. All meetings of a board shall comply~~
15 ~~with open meeting law requirements of 1 V.S.A. chapter 5, subchapter 2,~~
16 ~~consistent with probationer confidentiality requirements of this title, and as~~
17 ~~may be imposed by the court.~~ Each community justice center shall establish a
18 reentry program to address the local needs of the individual probation and
19 parole office. The programs may include navigation services, circles of
20 support and accountability (CoSAs), or other community-based resource and
21 referral services. The community justice center shall appoint to the programs

1 members of the community with the advice and recommendation of local
2 nonprofit organizations or municipal entities. The local probation and parole
3 office and the volunteer services coordinator together shall screen volunteers
4 prior to the volunteer commencing service in the program.

5 (c) ~~Each board shall adopt bylaws approved by the Commissioner. Such~~
6 ~~bylaws may authorize each board to establish panels to conduct reparative~~
7 ~~board activities. [Repealed.]~~

8 (d) Each ~~board~~ restorative justice panel or reentry CoSA shall conduct its
9 meetings in a manner that promotes safe interactions among an offender,
10 victim or victims, and community members, and shall:

11 (1) In collaboration with ~~the Department~~ community organizations,
12 municipalities, the courts, and other entities of the criminal justice system,
13 implement the ~~Restorative Justice Program~~ restorative justice program of
14 seeking to obtain offender accountability, repair harm and compensate a victim
15 or victims and the community, increase an offender's awareness of the effect
16 of his or her behavior on a victim or victims and the community, and identify
17 ways to help ~~an offender comply~~ offenders' compliance with the law.

18 (2) Educate the public about, and promote community support for, the
19 ~~Restorative Justice Program~~ restorative justice program.

1 (e) Each ~~board~~ community justice center shall have access to the central
2 file of any offender required to participate with that ~~board in the Restorative~~
3 ~~Justice Program~~ panel or reentry program.

4 (f) When engaged in ~~board~~ restorative justice activities, a ~~board~~ panel or
5 CoSA member shall be considered a volunteer with regard to any grievance or
6 other matter governed by 3 V.S.A. § 1101.

7 Sec. 6. EFFECTIVE DATE

8 This act shall take effect on passage.

9
10
11
12
13
14
15
16
17
18

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE