

1 TO THE HONORABLE SENATE:

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

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

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

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

16 Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

17 (a) Creation. There is created the Restorative Justice Study Committee for
18 the purpose of conducting a comprehensive examination of whether there is a
19 role for victim-centered restorative justice principles and processes in domestic
20 and sexual violence and stalking cases.

1 (b) Membership. The Committee shall be composed of the following
2 members:

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

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

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

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

13 (5) a representative of the Vermont Association of Court Diversion
14 Programs;

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

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

19 (8) the Executive Director of Vermonters for Criminal Justice Reform or
20 designee;

1 (9) a representative of the Vermont Abenaki community, appointed by
2 the Governor;

3 (10) the Executive Director of the Discussing Intimate Partner Violence
4 and Accessing Support (DIVAS) Program for incarcerated women;

5 (11) the Coordinator of the Vermont Domestic Violence Council;

6 (12) the Commissioner of Corrections or a designee familiar with
7 community and restorative justice programs;

8 (13) a representative of the Office of the Defender General;

9 (14) the Court Diversion and Pretrial Services Director;

10 (15) three members, appointed by the Vermont Network Against
11 Domestic and Sexual Violence;

12 (16) two victims of domestic and sexual violence or stalking appointed
13 by the Vermont Network Against Domestic and Sexual Violence; and

14 (17) the Commissioner for Children and Families or designee.

15 (c) Powers and duties. The Committee shall study whether restorative
16 justice can be an effective process for holding perpetrators of domestic and
17 sexual violence and stalking accountable while preventing future crime and
18 keeping victims and the greater community safe. In deciding whether
19 restorative justice can be suitable both in the community and in an
20 incarcerative setting for each subset of cases, the Committee shall study the
21 following:

- 1 (1) the development of specialized processes to ensure the safety,
2 confidentiality, and privacy of victims;
- 3 (2) the nature of different offenses such as domestic violence, sexual
4 violence, and stalking, including the level of harm caused by or violence
5 involved in the offenses;
- 6 (3) the appropriateness of restorative justice in relation to the offense;
- 7 (4) a review of the potential power imbalances between the people who
8 are to take part in restorative justice for these offenses;
- 9 (5) ways to protect the physical and psychological safety of anyone who
10 is to take part in restorative justice for these offenses;
- 11 (6) training opportunities related to intake-level staff in domestic and
12 sexual violence and stalking;
- 13 (7) community collaboration opportunities in the implementation of
14 statewide protocols among restorative justice programs and local domestic and
15 sexual violence organizations, prosecutors, corrections, and organizations that
16 represent marginalized Vermonters;
- 17 (8) the importance of victims' input in the development of any
18 restorative justice process related to domestic and sexual violence and stalking
19 cases;

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

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

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

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

11 (d) Assistance. The Vermont Network Against Domestic and Sexual
12 Violence shall convene the first meeting of the Committee and provide support
13 services.

14 (e) Reports. On or before December 1, 2018, the Vermont Network
15 Against Domestic and Sexual Violence, on behalf of the Committee, shall
16 submit an interim written report to the House Committee on Corrections and
17 Institutions and to the House and Senate Committees on Judiciary. On or
18 before July 1, 2019, the Vermont Network Against Domestic and Sexual
19 Violence, on behalf of the Committee, shall submit a final report to the House
20 Committee on Corrections and Institutions and to the House and Senate
21 Committees on Judiciary.

1 (f) Meetings.

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

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

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

8 (4) The Committee shall meet not more than ten times and shall cease to
9 exist on July 1, 2019.

10 (g) Compensation and reimbursement. Members of the Committee who
11 are not employees of the State of Vermont and who are not otherwise
12 compensated or reimbursed for their attendance shall be entitled to
13 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010
14 for not more than ten meetings as follows:

15 (1) Compensation and reimbursement for the two victims of domestic
16 and sexual violence or stalking appointed by the Vermont Network Against
17 Domestic and Sexual Violence shall be paid by the Vermont Network Against
18 Domestic and Sexual Violence.

19 (2) Compensation and reimbursement for the representative of the
20 Vermont Abenaki community appointed by the Governor as provided in
21 subdivision (b)(9) of this section and the three members appointed by the

1 Vermont Network Against Domestic and Sexual Violence as provided in
2 subdivision (b)(15) of this section shall be paid by the Secretary of
3 Administration from General Funds appropriated to Agency of Administration.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.

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13 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE