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**Act No. 180 (H.645). An act relating to the expansion of approaches to restorative justice**

**Subjects: Criminal procedure; crimes; restorative justice**

This act creates Pre-Charge Diversion Programs for both juvenile and adult offenders, as well as streamlines the statutes for the diversion programs already in operation, which are now referred to as Post-Charge Diversion. This act also creates a Post-Adjudication Reparative Program Working Group to study connecting appropriate community-based providers to individuals who are sentenced to reparative boards or probation. Additionally, there are various reports required to examine stable funding structures and State administration to support community-based restorative justice providers; record retention and deletion requirements for diversion programs; and funding alternatives for community-based diversion referrals.

Specifically, the Pre-Charge Diversion Programs are administered by the Office of the Attorney General and permit direct referrals from law enforcement or a prosecutor to diversion when either determines that probable cause exists of a person's wrongdoing, but the person has yet to be criminally charged or a petition is filed in family court. Each county's State's Attorney must adopt a public-facing pre-charge diversion policy outlining various eligibility criteria, required documentation, and other procedures. The Pre-Charge Diversion Programs have various rights and responsibilities of participants and victims alike, including the right to access counsel at public expense for the candidate and the right to certain diversion information made available to the victim. Successful completion of the Pre-Charge Diversion Program leads to record of the underlying incident being deleted if certain requirements are met. The Attorney General is also responsible for maintaining an index of cases and funding the community-based restorative justice providers involved. Post-Charge Diversion remains the same except expungement no longer requires the court to be satisfied that the person has been rehabilitated.

Multiple effective dates, beginning on July 1, 2024