

1 Sec. 4. 28 V.S.A. chapter 12 is amended to read:

2 CHAPTER 12. ~~COMMUNITY REPARATIVE BOARDS~~ PROGRAMS AND
3 SERVICES EMPLOYING RESTORATIVE JUSTICE APPROACHES

4 § 910. RESTORATIVE JUSTICE PROGRAM

5 This chapter establishes a program of restorative justice for use with
6 ~~offenders~~ individuals required to participate in such a program as a reparative
7 ~~condition of a sentence of probation or as ordered for civil contempt of a child~~
8 ~~support order under 15 V.S.A. § 603~~ an individual's sentence. The Program
9 shall be carried out by ~~community reparative boards~~ community-based
10 grantees under the ~~supervision~~ administration of the Commissioner, as
11 provided by this chapter.

12 § 910a. ~~REPARATIVE BOARDS; FUNCTIONS~~

13 ~~(a) The Commissioner shall establish reparative boards and appoint to them~~
14 ~~members of the community with the advice and recommendation of nonprofit~~
15 ~~organizations or municipal entities in the localities concerned. The~~
16 ~~Commissioner shall appoint each board member to a term of one to three~~
17 ~~years, may reappoint a member to consecutive terms, and may remove a~~
18 ~~member for good cause.~~

19 ~~(b) Each board shall elect its chair from its membership. A chair may serve~~
20 ~~for no more than one year uninterrupted. All meetings of a board shall comply~~
21 ~~with open meeting law requirements of 1 V.S.A. chapter 5, subchapter 2,~~

1 ~~consistent with probationer confidentiality requirements of this title, and as~~
2 ~~may be imposed by the court.~~

3 ~~(c) Each board shall adopt bylaws approved by the Commissioner. Such~~
4 ~~bylaws may authorize each board to establish panels to conduct reparative~~
5 ~~board activities.~~

6 ~~(d) Each board shall conduct its meetings in a manner that promotes safe~~
7 ~~interactions among an offender, victim or victims, and community members,~~
8 ~~and shall:~~

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

15 ~~(2) Educate the public about, and promote community support for, the~~
16 ~~Restorative Justice Program.~~

17 ~~(e) Each board shall have access to the central file of any offender required~~
18 ~~to participate with that board in the Restorative Justice Program.~~

19 ~~(f) When engaged in board activities, a board member shall be considered a~~
20 ~~volunteer with regard to any grievance or other matter governed by 3 V.S.A.~~
21 ~~§ 1101. [Repealed.]~~

1 § 911. ~~GRANT PROGRAM FOR COMMUNITY-BASED HALF-WAY~~
2 ~~HOUSES AND PROGRAMS~~

3 ~~(a) A grant program for community-based alternatives to incarceration is~~
4 ~~established to assist:~~

5 ~~(1) private nonprofit community organizations establish half-way houses~~
6 ~~and programs to help adult ex-offenders and offenders on probation, parole, or~~
7 ~~furlough reintegrate into the community; and~~

8 ~~(2) existing half-way houses and programs for adult ex-offenders and~~
9 ~~offenders on probation, parole, or furlough.~~

10 ~~(b) The Alternatives to Incarceration Board established under section 912~~
11 ~~of this title shall establish procedures and guidelines by which it shall solicit~~
12 ~~and review proposals for grants, award grants, and monitor and evaluate the~~
13 ~~progress of projects funded under this chapter.~~

14 ~~(c) Private, nonprofit organizations which create residential half-way~~
15 ~~houses for former prisoners or offenders on community release status shall~~
16 ~~receive priority funding under this chapter.~~

17 ~~(d) [Repealed.] [Repealed.]~~

18 § 913. POST-ADJUDICATION REPARATIVE PROGRAM

19 (a) Purpose.

20 (1) The Commissioner shall develop and administer an adult post-
21 adjudication reparative program in all counties. In consultation with the

1 Judiciary, the Commissioner shall adopt a policies and procedures manual to
2 promote a uniform system across the State in compliance with this section.

3 (2) The program shall be designed to provide a restorative option for
4 persons who have been convicted of violating a criminal statute, as well as for
5 victims or those acting on a victim's behalf who have been harmed by the
6 responsible party.

7 (b) Administration; report.

8 (1) The Department of Corrections and its grantees, in consultation with
9 the Vermont Judiciary, shall develop and administer a post-adjudication
10 reparative program in all counties throughout the State.

11 (2) The program shall support the operation of reparative programs
12 through grants of financial assistance to, or contracts for services with, entities
13 employing restorative programs and services. Such entities engaged with a
14 similar post-adjudication program before July 1, 2024 shall be prioritized for
15 grants of financial assistance or contracts for services. The Commissioner may
16 require local financial contributions as a condition of receipt of program
17 funding.

18 (3) The Department of Corrections shall develop program outcomes
19 following the designated State of Vermont performance accountability
20 framework and, in consultation with the Judiciary, report annually on or before
21 December 1 to the General Assembly on services provided and outcome

1 indicators. As components of the report required by this subsection, the
2 Commissioner shall include data on the number of reparative program referrals
3 in each county, convictions and crime types, successful completion rates,
4 evidence of desistence, and possible causes of any geographical disparities.

5 (4) All programs or services that receive financial assistance from the
6 Department of Corrections for the program shall adhere to the requirements
7 pursuant to sections 914 and 915 of this title.

8 (5) The Commissioner is authorized to accept grants and gifts for the
9 purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

10 § 914. QUALIFYING OFFENSES; ELIGIBILITY AND REFERRAL

11 PROCESS

12 (a) Memoranda of understanding required. The post-adjudication
13 reparative program shall accept individuals who are adjudicated of a qualifying
14 offense as determined by a current and executed memorandum of
15 understanding between a community program or service employing restorative
16 approaches and the Vermont Judiciary. Such memoranda of understanding
17 shall include protocols set forth in subsection (b) of this section. If the
18 restorative justice approach set forth in the memorandum of understanding
19 includes referrals from a court, the court having jurisdiction shall be party to
20 the memorandum of understanding.

1 (b) Guidance and protocols. On or before July 1, 2025, the Department of
2 Corrections, in consultation with the Community Justice Unit of the Office of
3 the Attorney General, the Department for Children and Families, the
4 Department of State's Attorneys and Sheriffs, the Office of the Defender
5 General, the Center for Crime Victim Services, and the Vermont Judiciary
6 shall create guidance for memoranda of understanding. Memoranda of
7 understanding shall include protocols that:

8 (1) list mandatory qualifying offenses;

9 (2) permit the parties to supplement the list of mandatory qualifying
10 offenses;

11 (3) establish an evidence-based screening process to assess referral
12 eligibility for responsible parties who have been adjudicated of offenses that
13 are not mandatory qualifying offenses;

14 (4) set timelines to complete the restorative process for responsible
15 parties;

16 (5) contemplate the procedure for responsible parties who fail to
17 complete the restorative process;

18 (6) The reparative program shall have the right to determine that the
19 matter is not appropriate for post-adjudication programming and send the
20 referral back to the court.

1 (7) require initial and annual training for staff, facilitators, and
2 volunteers of programs or services employing restorative justice approaches, as
3 well as judges on the dynamics and principles of restorative justice.

4 (8) outline roles and participation of the programs or services employing
5 restorative justice approaches and other community partners, as needed;

6 (9) establish written confidentiality standards that ensure constitutional
7 protections and the privacy of responsible parties and victims participating in
8 the restorative process;

9 (10) create universal data collection standards developed by the
10 Department of Corrections; and

11 (11) implement written annual evaluation and quality improvement
12 plans and processes that engage community and system stakeholders.

13 (c) Compliance.

14 (1) The Department of Corrections shall review each memorandum of
15 understanding annually to ensure compliance with the protocols set forth in
16 subsection (b) of this section and the guidance established by the Department
17 and its consulting entities. The Department may engage other relevant
18 stakeholders to assess any defined restorative approach outlined in a
19 memorandum of understanding that is under review for compliance with the
20 Department's protocols and guidance.

1 (2) Once a memorandum of understanding is verified for compliance by
2 the Department of Corrections and is executed by the parties, the program or
3 service employing restorative justice approaches that is a party to the
4 memorandum may begin accepting referrals.

5 (d) Confidentiality.

6 (1) All information gathered in the course of the post-adjudication
7 reparative program shall be held strictly confidential and shall not be released
8 without the participant's prior consent, except that research and reports that do
9 not establish the identity of individual participants are allowed.

10 (2) If a case is referred to the program, the court may release
11 information to the victim upon a showing of legitimate need and subject to an
12 appropriate protective agreement defining the purpose for which the
13 information is being released and in all other respects maintaining the
14 confidentiality of the information; otherwise, files held by the court, the
15 prosecutor, law enforcement agency, referring entity, and the reparative
16 program related to the matter shall be confidential and shall remain
17 confidential unless:

18 (A) the reparative program declines to accept the referral;

19 (B) the reparative program accepts the referral, but the person does
20 not successfully complete the program; or

21 (D) the court recalls the referral from the reparative program.

1 (e) Reparative boards. When engaged in board activities, a board member
2 shall be considered a volunteer with regard to any grievance or other matter
3 governed by 3 V.S.A. § 1101.

4 Sec. 5. DEPARTMENT OF CORRECTIONS; MODEL REPARATIVE
5 POLICY

6 (a) Intent. It is the intent of the General Assembly that Department of
7 Corrections and Judiciary create a model post-adjudication reparative program
8 policy that promotes desistence and decrease recidivism of responsible parties
9 and seeks restorative justice for both responsible parties and victims alike.

10 (b) Policy development. On or before January 1, 2025, the Department of
11 Corrections and the Judiciary, in consultation with the Community Justice Unit
12 of the Office of the Attorney General, the Department of State's Attorneys and
13 Sheriffs, the Office of the Defender General, and the Center for Crime Victim
14 Services, shall establish a cohesive post-adjudication reparative program policy
15 for the Department of Corrections and the Judiciary to adopt and follow.

16 (c) Policy contents. The post-adjudication reparative program policy
17 created pursuant to this section shall outline what types of offenses qualify and
18 which persons will be eligible for the post-adjudication reparative program.
19 The policy shall include considerations for courts to use in determining the
20 persons who are eligible for the post-adjudication reparative program and the

1 referral of each case to the reparative program. The policy shall also
2 contemplate how victim perspective are included in reparative programming.

3 Sec. 6. EFFECTIVE DATES

4 This act shall take effect on July 1, 2024 except that Sec. 1 (juvenile and
5 adult pre-charge and post-charge diversion) shall take effect on April 1, 2025.