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## A BILL FOR AN ACT

RELATING TO RESTORATIVE JUSTICE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that restorative justice  
2 programs aim to address unresolved issues confronting victims,  
3 offenders, and their families. These programs bring offenders,  
4 victims, and their respective personal supporters together in a  
5 carefully managed, safe environment. The process is a powerful  
6 healing tool and a way to empower victims to make decisions  
7 about how to repair the harm caused by offenses. Participation  
8 in a program is voluntary and available only to those victims  
9 who choose to participate, and the program is available to those  
10 inmates who want to reconcile with their victims.

11           The legislature further finds that typically, a restorative  
12 justice program begins when an incarcerated person requests  
13 restorative justice from that inmate's case worker. An  
14 impartial, trained, and experienced community facilitator then  
15 meets with the inmate to discuss the program's goals and process  
16 and identifies whom the inmate has harmed by the inmate's past  
17 behavior and whom the inmate wants to invite for support. The



1 parties then meet, with half of the time devoted to  
2 reconciliation and the other half devoted to developing a  
3 reentry transition plan for the inmate. If successful,  
4 restorative justice can lead to the transformation of people,  
5 relationships, and communities. Restorative justice can also  
6 reduce crime, reduce repeat offending, divert individuals from  
7 the criminal justice system, reduce the costs of criminal  
8 justice, reduce crime victims' desire for violent revenge  
9 against their offenders, and provide both victims and offenders  
10 with more satisfaction than traditional criminal justice allows.

11 The legislature also finds that the restorative reentry  
12 circles pilot program at the Waiawa correctional facility, based  
13 upon restorative justice principles, has resolved ninety  
14 incidents with a one hundred per cent satisfaction rate reported  
15 by the participating victims, offenders, and prison staff. The  
16 pilot program has been highlighted by the Federal Probation  
17 Journal, Honolulu Magazine, and KITV News and has expanded to  
18 the women's community correctional center.

19 The purpose of this Act is to establish a restorative  
20 justice pilot program within the judiciary.



1           SECTION 2. (a) The judiciary shall establish a five-year  
2 pilot program to allow defendants in criminal cases and their  
3 victims to participate in restorative justice; provided that any  
4 defendant in a criminal case involving a charged offense  
5 classified as a class A or B felony or that is a violent crime  
6 shall not be eligible to participate in the pilot program.

7           (b) During or prior to a pretrial conference held pursuant  
8 to rule 17.1 of the Hawaii rules of penal procedure, the court  
9 shall inform each eligible defendant of the right to request  
10 restorative justice.

11           (c) A defendant's participation in the pilot program shall  
12 require court approval and agreement of the victim.

13           (d) Notwithstanding any other law to the contrary and upon  
14 successful completion of any restorative justice process,  
15 approval of the victim, and approval of the prosecuting  
16 attorney, the court may dismiss the charged offense or offenses.

17           (e) The judiciary shall inform the following individuals  
18 in writing of the existence of the pilot program:

19           (1) The attorney general;

20           (2) The public defender;

21           (3) The prosecuting attorneys of each county; and



1 (4) The registered members of the criminal justice and  
2 corrections section of the Hawaii State Bar  
3 Association.

4 (f) The judiciary shall submit interim reports of the  
5 pilot program to the legislature no later than twenty days prior  
6 to the convening of the regular sessions of 2020, 2021, 2022,  
7 and 2023, and shall submit a final report to the legislature no  
8 later than twenty days prior to the convening of the regular  
9 session of 2024. The reports shall include information and  
10 recommendations about the efficacy of and the costs associated  
11 with the pilot program. The final report shall also include a  
12 recommendation on whether the pilot program should be made  
13 permanent.

14 (g) For the purpose of this Act:

15 "Restorative justice" shall include restorative dialogues,  
16 restorative conferences, restorative justice circles,  
17 restorative sessions, native Hawaiian reconciliation practices  
18 such as ho'oponopono, or any type of restorative justice group  
19 process.

20 "Violent crime" shall mean the crimes enumerated in section  
21 351-32, Hawaii Revised Statutes.





H.B. NO. 634

*Handwritten signatures:*  
~~James J. ...~~  
~~Richard ...~~

JAN 18 2019



# H.B. NO. 634

**Report Title:**

Restorative Justice; Pilot Program; Judiciary; Alternative  
Dispute Resolution; Appropriation

**Description:**

Requires the Judiciary to establish a 5-year pilot program for restorative justice. Requires the judiciary to inform various criminal attorneys of the existence of the pilot program. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

