



An Act Promoting Restorative Justice Practices H. 793/ S. 847

Lead Sponsors: Representative Sean Garballey and Senator James Eldridge

Impetus

Community-based restorative justice programs can provide a meaningful alternative to prosecution when a case is appropriate for diversion from the criminal justice system. In these instances, restorative justice programs bring offenders, victims and community members together to collectively identify and address the harms that arise from criminal conduct in a way that better serves the parties and the broader community than prosecution.

Need

- Parties engaged in the criminal justice system, and those concerned with maximizing the efficiency of its resources, recognize that there must be alternatives to the prosecution of particular cases where these could be better addressed with diversion programs. Where the charges and the circumstances of an incident make it eligible for diversion, a restorative justice program may provide the best means for bringing the impacted parties together to address and repair the harms caused by the offender's conduct.
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Legislative Fix

- Encourages the use of, but does not make mandatory, a diversion option that may be used for eligible adult and juvenile cases.
- Excludes certain serious crimes from consideration for diversion.
- Provides a confidentiality provision that precludes a statement made by the offender-participant during the course of their involvement in the program from being used against them.

- Establishes an advisory committee-- comprised of criminal justice and restorative justice practitioners, law enforcement, and legislative leaders-- to oversee the certification of programs so that there is consistency in restorative justice program standards across the state.