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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 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



1 Journal, Honolulu Magazine, and KITV News and has expanded to  
2 the women's community correctional center.

3 The purpose of this Act is to establish a restorative  
4 justice task force within the judiciary to assess the  
5 possibility of creating a state-wide program.

6 SECTION 2. (a) The judiciary shall establish a task force  
7 to make recommendations for the implementation of a statewide  
8 restorative justice program by:

- 9 (1) Reviewing existing laws, protocols, and programs  
10 pertaining to restorative justice and recommending  
11 legislative language that will support consistent  
12 implementation in jurisdictions statewide;
- 13 (2) Creating a definition for restorative justice that is  
14 victim-centered and victim-driven in order to develop  
15 policies based on a common understanding of the  
16 restorative justice process;
- 17 (3) Identifying ways in which restorative justice can be  
18 implemented to support the recovery of victims; and
- 19 (4) Identifying funding sources and amounts for the  
20 implementation of restorative justice programs  
21 statewide.



1 (b) The task force shall be composed of the following  
2 individuals, or their designees:

3 (1) The chief justice, who shall serve as the chairperson  
4 of the task force;

5 (2) One representative from the department of human  
6 services;

7 (3) One representative from the Matsunaga Peace Institute  
8 of the University of Hawaii system;

9 (4) One representative from each of the four county  
10 offices of the prosecuting attorney;

11 (5) Two representatives from the office of the public  
12 defender, one of which shall represent a neighbor  
13 island;

14 (6) One representative who is a practitioner of  
15 traditional Hawaiian restorative justice;

16 (7) One representative from Epic Ohana;

17 (8) One representative from the Hawaii Friends of  
18 Restorative Justice;

19 (9) One representative from a mental health services  
20 provider;



1 (10) One representative from the Domestic Violence Action  
2 Center; and

3 (11) Additional members with appropriate specialized  
4 expertise as recommended by the members of the task  
5 force, subject to the approval by the chairperson.

6 (c) Members of the task force shall serve without  
7 compensation but shall be reimbursed for expenses, including  
8 travel expenses, necessary for the performance of their duties.

9 (d) Two or more members, but less than the number of  
10 members that would constitute a quorum for the task force, may  
11 discuss between themselves matters relating to official business  
12 of the task force and the organizations they represent to enable  
13 members to faithfully perform their duties of the task force;  
14 provided that no commitment to vote is made or sought. Such  
15 discussions shall be a permitted interaction under  
16 section 92-2.5, Hawaii Revised Statutes.

17 (e) The task force shall submit a report of its findings  
18 and recommendations, including any proposed legislation, to the  
19 legislature no later than twenty days prior to the convening of  
20 the regular session of 2021.



1 (f) The task force shall cease to exist on June 30, 2021;  
2 provided that the judiciary may continue the work of the task  
3 force without the effect of this Act should the judiciary deem  
4 it necessary.

5 SECTION 3. This Act shall take effect on July 1, 2020.



S.B. NO. 737  
S.D. 1

**Report Title:**

Restorative Justice Task Force

**Description:**

Requires the Judiciary to establish a task force for restorative justice, which dissolves on 6/30/2021. Requires the judiciary to report to the legislature on its findings. (SD1)

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