

STAND. COM. REP. NO.

2559

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 737
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 737 entitled:

"A BILL FOR AN ACT RELATING TO RESTORATIVE JUSTICE,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Judiciary to establish a five-year pilot program to allow defendants in criminal cases and their victims to participate in restorative justice, under certain circumstances.

Your Committee received testimony in support of this measure from the Office of the Public Defender, New Mexico Network for Nonviolent Communication, and twenty-three individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, The Sex Abuse Treatment Center, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that research shows that restorative justice interventions are more effective at reducing repeat crime and reducing recidivism than existing mainstream justice systems. Restorative justice is a voluntary program that addresses the physical and emotional needs of both victims and offenders, including the need to repair relationships and build positive



connections after wrongdoing. Studies indicate that the experience of restorative justice where both parties to a crime are able to directly communicate reduces the frequency of reconviction by an average of twenty-seven percent.

Your Committee further finds that restorative justice programs vary widely throughout the nation, and the definition of restorative justice may also vary between communities. Your Committee therefore finds that experts in restorative justice should be convened to build upon existing restorative justice programs and make recommendations as to how restorative justice can be expanded in the State.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting language to establish a restorative justice task force within the Judiciary to submit a report to the Legislature of its recommendations and findings prior to the convening of the Regular Session of 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 737, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 737, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 737	Committee Referral: JDC, WAM	Date: 02/04/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes