

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 903  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 903 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:

- (1) Require the Judiciary or supporting agencies to establish and support a program for restorative justice in each county and inform various criminal justice representatives of the existence of the program; and
- (2) Appropriate funds for the establishment of one program and one position in each county.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii Correctional System Oversight Commission, Office of the Public Defender, Office of the Prosecuting Attorney of the County of Hawai'i, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the County of Maui, Community Alliance on Prisons, Hawaii Substance Abuse Coalition, and four individuals. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that restorative justice programs benefit not only victims, but they also benefit the defendants, their families, and the community. These programs have proved to be a powerful force in many other jurisdictions across the United States in providing healthy dialogue, communication, and opportunities for perpetrators of crime to understand the true impact of their actions. Restorative justice programs provide opportunities for all parties to express and share emotions and to dialogue in a safe and healthy space. These conversations can be deeply emotional and enlightening to the parties who choose to participate. All participation in restorative justice is voluntary and facilitated by trained professionals who help guide all parties through the process. Adding restorative justice to the State's criminal justice system will promote healing and understanding between the parties who participate.

Your Committee has amended this measure by:

- (1) Specifying that the restorative justice programs be placed within the oversight of the Department of the Attorney General rather than the Judiciary;
- (2) Specifying that the Department of the Attorney General shall establish and support a restorative justice program, in collaboration with the prosecuting attorney of each county;
- (3) Deleting language that allowed the Judiciary or supporting agencies to contract with a credible and financially stable nonprofit organization to conduct restorative justice work in each county and ensure that victims are notified of restorative justice opportunities available to them;
- (4) Deleting language that provided that upon successful completion of any restorative justice process with an agreement, approval of the victim, and approval of the prosecuting attorney, charges may be declined during the screening process or the case may be dismissed if charges have been filed;
- (5) Appropriating funds for a restorative justice program within the Department of the Attorney General, rather



than appropriating funds to the Judiciary for one restorative justice program and one full-time equivalent (1.0 FTE) position in each county, including any matching funds required to receive Victims of Crime Act grant funds;

- (6) Making conforming amendments;
- (7) Inserting an effective date of March 22, 2075, to encourage further discussion;
- (8) Amending section 1 to reflect its amended purpose; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the Senate Draft 1 of this measure contains an unspecified appropriation amount. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it considers inserting an appropriation amount of \$250,000.

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. 903, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 903, 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,



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KARL RHOADS, Chair



