STAND. COM. REP. NO. 639

Honolulu, Hawaii

MAR - 1 2013

RE: S.B. No. 60

S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 60 entitled:

"A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES,"

begs leave to report as follows:

The purpose and intent of this measure is to require victims of crimes and surviving immediate family members to be notified of their right to participate in the restorative justice process.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Community Alliance on Prisons, and two individuals.

Your Committee finds that research has shown that restorative justice interventions are more effective at reducing repeat crime and reducing recidivism than existing mainstream justice systems. Studies indicate that the experience of restorative justice where offenders confront their crime victims reduces the frequency of reconviction by an average of twenty-seven percent.

In 2000, the Judiciary adopted a resolution committing the Judiciary to continue to act in accordance with the principles of restorative justice and the concept of "Pono Kaulike". In 2003, the Hawaii District Court began a project called Pono Kaulike with a program objective to help parties reconcile after conflict, help victims, and reduce recidivism in offenders by promoting offender empathy for victims. As such, this measure continues the concept of restorative justice by requiring notification to victims of

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crimes and surviving immediate family members regarding their right to participate in the restorative justice process under the basic bill of rights for victims and witnesses.

Your Committee has amended this measure by:

- (1) Adopting the suggested language submitted by the Office of Hawaiian Affairs to include Native Hawaiian reconciliation practices, such as hoʻoponopono, as part of restorative justice processes;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 60, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 60, S.D. 1, and be placed on the calendar for Third Reading.

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

CLAYTON HEE. Chair

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* 5B 60	Committee Referral:			Date: 2 /5/13	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile S.L. (VC)					
GABBARD, Mike					
IHARA, Jr., Les					
SLOM, Sam					
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TOTAL		5			
Recommendation: Adopted 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