

---

---

# 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. Many victims feel that the  
6 criminal justice system does not give them a chance to get  
7 involved. Restorative justice puts victims at the heart of the  
8 justice process, by giving them a chance to ask the offender  
9 questions and explain the impact the crime has had on them.

10           The legislature further finds that the restorative justice  
11 process is a powerful healing tool and a way to empower victims,  
12 allowing them to play a greater role in defining the narrative  
13 around justice in their specific case. This paradigm focuses on  
14 victims and the harms done to them, the obligations those harms  
15 create for offenders and the community, and then, through the  
16 restorative justice process, how to put things right as much as  
17 possible. Restorative justice also builds a sense of empathy



1 among the parties involved and can lead to creative, sustainable  
2 resolutions outside the scope of a more traditional court  
3 system.

4 Participation in a restorative justice program is available  
5 only to those victims who choose to participate. Because  
6 participation is voluntary, victims can stop the process at any  
7 time.

8 The legislature also finds that for restorative justice to  
9 take place, the offender must admit to the crime, and both the  
10 victim and offender must be willing to participate. Once the  
11 process is initiated, an impartial, trained, and experienced  
12 facilitator meets with the parties involved to discuss the  
13 program's goals and plans a restorative justice process. After  
14 adequate preparation, the parties then meet with the  
15 facilitators and the resulting agreements may become the  
16 resolution of the case.

17 If successful, restorative justice can lead to the  
18 transformation of people, relationships, and communities.  
19 Restorative justice can also reduce crime, reduce repeat  
20 offenses, divert individuals from the criminal justice system,  
21 reduce the costs of criminal justice, increase crime victims'



1 healing and well-being, reduce the backlog of court cases, and  
2 provide victims and offenders with greater satisfaction than  
3 what traditional criminal justice often allows. Restorative  
4 justice may occur at any level of the criminal justice process,  
5 including when police first encounter a crime, during the  
6 screening process, before a hearing is scheduled, before  
7 sentencing, or following conviction.

8       The legislature additionally finds that pilot projects such  
9 as the pono kaulike program on O'ahu or the Hawai'i county  
10 restorative justice program have been offered in Hawai'i with  
11 positive results. Restorative justice pilot programs have been  
12 highlighted by the Federal Probation Journal, Honolulu Magazine,  
13 and KITV News. To advance restorative justice opportunities  
14 across the state, the program should be housed within the  
15 department of the attorney general in collaboration with the  
16 county prosecutor's offices, and other state, county, and  
17 community agencies may support their efforts.

18       The purpose of this Act is to require the establishment of  
19 a restorative justice program within the department of the  
20 attorney general that, in collaboration with the county



1 prosecutor's offices, offers restorative justice opportunities  
2 in each county.

3 SECTION 2. (a) The department of the attorney general  
4 shall establish and support a restorative justice program that,  
5 in collaboration with the prosecuting attorney of each county,  
6 offers restorative justice opportunities in each county to allow  
7 victims and offenders to participate in restorative justice.

8 (b) The department of the attorney general shall inform  
9 the following agencies or individuals in writing of the  
10 existence of the restorative justice program:

- 11 (1) The judiciary;
- 12 (2) The prosecuting attorney of each county;
- 13 (3) The public defender;
- 14 (4) The registered members of the Criminal Justice and  
15 Corrections Section of the Hawaii State Bar  
16 Association; and
- 17 (5) A representative of the community policing programs of  
18 each county.

19 (c) The department of the attorney general may request  
20 Victims of Crime Act grant funds for the purposes of this Act.



1 (d) For the purposes of this section, "restorative  
2 justice" includes restorative dialogues, restorative  
3 conferences, restorative justice circles, restorative sessions,  
4 Native Hawaiian reconciliation practices such as ho'oponopono, or  
5 other types of restorative justice group processes.

6 SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2023-2024 and  
9 the same sum or so much thereof as may be necessary for fiscal  
10 year 2024-2025 for funding a restorative justice program with  
11 the department of the attorney general.

12 The sums appropriated shall be expended by the department  
13 of the attorney general for the purposes of this Act.

14 SECTION 4. This Act shall take effect on March 22, 2075.



**Report Title:**

Restorative Justice Programs; Department of the Attorney General; Counties; Appropriation

**Description:**

Requires the Department of the Attorney General to establish and support a restorative justice program that, in collaboration with the prosecuting attorney of each county, offers restorative justice opportunities in each county to allow victims and offenders to participate in restorative justice. Appropriates funds. Takes effect 03/22/2075. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

