

Restorative Justice 13-1254 –Bill Summary

Sponsors: Rep. Pete Lee 303 866-2932/ Sen. Linda Newell 303 956-9448

HB13-1254 expands and clarifies Restorative Justice as adopted in Colorado in 2007, 2008 and 2011. Significant provisions of this bill include establishing a juvenile pilot program, commission of a study and collection of data to document the results of new and existing programs, adding members to the State RJ Coordinating Council, making changes to how the process is initiated and imposing a surcharge.

1. Pilot Program- There will be a Pilot in two new districts, the 10th and 19th (Weld/Larimer and Pueblo) and two existing ones, the 12th and 20th (Alamosa and Boulder). Prior to filing charges, DA's would identify first offense juveniles who committed non-traffic misdemeanors or Class 3, 4, 5 and 6 felonies and screen them for participation. If the juvenile successfully completes the restorative justice process, no petition/charges would be filed. Juveniles will pay a \$125 fee to participate.

2. DCJ Data Collection- in order to obtain empirical data about the capability of restorative justice to reduce costs, lower recidivism and increase satisfaction of victims and offenders, the Pilot Programs will report data to DCJ. Data will include the numbers and demographics of juveniles who met the criteria, participated, did not participate, reached reparation agreement, completed the agreement, as well as the results of a satisfaction survey, and rearrests. Victim satisfaction data will also be assessed.

3. State Coordinating Council Data Collection-The Council will develop a data base of existing restorative justice programs including jurisdictions, types of practices used, costs, fees, background, training and experience of facilitators as well as information about participants and cases and outcomes, and report this information to the Judiciary Committees.

4. Initiation of RJ- To expand the utilization of restorative justice practices, the bill allows for juvenile and adult offenders, as well as District Attorneys and other law enforcement personnel to request restorative justice, in addition to victims. Offenders would not be permitted to contact victims directly. District Attorney's would remain the point of contact with victims to determine if the victim wants to participate, submit a victim impact statement or have a surrogate participate.

5. State Coordinating Council Additions- The bill provides for additions to the State RJ Council one each appointed by the State Board of Parole, the Juvenile Parole Board, the Department of Corrections, from a victims group and three restorative justice practitioners.

6. \$10 Surcharge- This charge will be assessed against any adult or juvenile convicted or adjudicated of a crime to be used to support restorative justice programs and the State Council.

7. Victim Right Act- added the phrase, "which includes victim offender conferences" to the term "restorative justice practices" to clarify the language.

Significant Victim Protection Provisions of HB 13-1254- First Time Juvenile Offender Pilot

Victim's Rights Act Amendment; the bill was amended to ensure that all provisions of the Victims Rights Act apply to every case. District Attorney's will continue to seek victim's input and comply with their rights to be informed of and present at all critical stages of proceedings.

Victim Contact Prohibition; the bill specifically prohibits juveniles from contacting victims. If a juvenile wants to initiate restorative justice practices, the Bill requires the juvenile to make the request through the District Attorney or law enforcement. Direct victim contact is prohibited.

Victim Centered Process; the essence of restorative justice remains repairing harms to the victim and the community. Empowering DA's, law enforcement and offenders to request the process does not make it offender centered any more than it makes it DA or law enforcement centered. Primary goals are to answer victim questions, promote victim empathy, obtain victim restoration and restitution and help victim healing.

Voluntary and Safe Restorative Justice Process; the bill continues existing law that makes participation in the restorative justice conference entirely voluntary. No one is ever required to participate. Juveniles will be pre-screened to ensure they are suitable, accept responsibility for their actions and sincerely want to repair the harm. DA's and law enforcement agencies are committed to ensuring victims are emotionally and physically safe. They have the final decision.

Excluded Crimes; District Attorneys have complete discretion as to which first offenders and which types of crimes will be accepted into the Pilot Programs. The bill continues existing law which excludes juveniles who engaged in unlawful sexual behavior, sexual assault, stalking, domestic violence or have protective orders in effect. Current law would also prevent acceptance of drunk drivers into the Pilots.