



BILL NO: House Bill 997
TITLE: Criminal Procedure - Restorative Justice Program
COMMITTEE: Judiciary
HEARING DATE: February 22, 2022
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 997.**

MNADV is incredibly supportive of the idea of utilizing restorative justice and restorative practices in the criminal justice system. Research is emerging regarding its use in domestic violence cases. However, as drafted, we have many concerns with HB 997. Most notably the bill does not take a victim-centered approach. At its most basic, restorative justice is about repairing a harm that was caused to a victim or victims by criminal behavior. While sometimes used after conviction, it is most often used as a diversionary tool.

By permitting, as HB 997 would, a person who was convicted of a crime and sentenced to incarceration to initiate a restorative justice process is counter to a victim-centered approach. Only a victim should be able to initiate the process in this context. It could be incredibly psychologically harmful to a victim and triggering for them to have the person convicted of committing a crime that they were the victim of initiating the process. Restorative justice also is intended to include not just the specific persons directly impacted by the criminal behavior but recognizes that many others are impacted as well including family, friends, and other community members.

There are several additional concerns that MNADV has regarding the bill. These include the following: preventing offenders from manipulating the system to learn of the survivor's whereabouts, how information learned during the restorative justice process can be used, qualifications for facilitators including requiring professional licensure as well as training, whether certain power-based crimes should have additional limits or protections during the process such as family violence, sex trafficking, etc, limiting access to restorative justice for serial offenders, ensuring survivors have appropriate supports, including access to a support person most critically access to crime victim rights counsel.

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We are committed to exploring options for restorative justice but there must be necessary safeguards for victims that are not present in the legislation. There also must be significant input from the many victim communities that this bill would impact. We welcome continued conversations to develop a restorative justice framework in Maryland.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 997.**

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