

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4884

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2021

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 4884.

As amended and reported by the committee, this bill requires the Attorney General to establish a three-year “Sexual Violence Restorative Justice Pilot Program” to implement a restorative justice program for survivors of sexual violence.

The Attorney General is to implement this program by entering into an agreement with an organization to design the program and provide technical assistance and an agreement with a separate organization to conduct the program. Under the amended bill, the Attorney General is to select the organizations through requests for proposals. The organizations are to have expertise in trauma informed care and are not to be associated with any law enforcement agency. In addition, the amended bill requires that both organizations be compensated.

Under the amended bill, through the direct participation of survivors of sexual violence, including survivors who have chosen not to report the act of sexual violence to law enforcement, the program is required to implement restorative justice practices which include, but are not limited to, upholding the principles of survivor autonomy, restoring a sense of control and independence to survivors, and emphasizing outcomes that are essential to the survivor’s healing process. The amended bill provides that a survivor of sexual assault and a person accused of sexual assault are not to be required to participate in the restorative justice program. In addition, if a survivor of sexual assault chooses to participate in the restorative justice program, the survivor may choose to no longer participate at any time.

The pilot program is to be established in one northern, one central, and one southern county in this State, as determined by the Attorney General.

The amended bill defines “restorative justice” as an approach to repairing the harm caused by a crime through direct involvement of those affected, including the victim, the victim’s family and friends, and the community, for the purpose of fulfilling the victim’s expectations for justice while also holding accountable the person who caused the harm. Restorative justice may be implemented through

varying formats, such as sharing circles, victim impact panels, and facilitated conferences.

Finally, the amended bill requires the Attorney General, in conjunction with the organizations selected pursuant to the provisions of the bill, to submit a report evaluating the effectiveness of the pilot program to the Governor and the Legislature within 90 days of completion of the program. The report is to evaluate the pilot program and recommend whether the pilot program should be continued, expanded, or made permanent.

As amended by the committee, Assembly Bill No. 4884 is identical to Senate Bill No. 3070 (1R), sponsored by Senators Weinberg and Turner, which was reported by the Senate Law and Public Safety Committee on December 10, 2020.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

1) a survivor of sexual assault and a person accused of sexual assault are not to be required to participate in the restorative justice program; and

2) if a survivor of sexual assault chooses to participate in the restorative justice program, the survivor may choose to no longer participate at any time.

As reported by the committee, Assembly Bill No. 4884 is identical to Senate Bill No. 3070 (1R) which was also reported by the committee on this date.