

---

# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

---

**Bill No:** AB 60                      **Hearing Date:** June 13, 2023  
**Author:** Bryan  
**Version:** March 16, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SC

**Subject:** *Restorative justice program*

## HISTORY

**Source:** Alliance for Boys and Men of Color  
Californians for Safety and Justice  
Centinela Youth Services  
Community Works West  
Crime Survivors for Safety and Justice  
Initiate Justice  
Insight Prison Project, A Division of Five Keys Schools & Programs

**Prior Legislation:** SB 993 (Skinner), Assembly inactive file, 2022  
AB 2167 (Kalra), Chapter 775, Statutes of 2022  
AB 2598 (Weber), Ch. 914, Stats. 2022  
SB 678 (Glazer), held on suspense in Sen. Approps., 2019  
AB 1849 (Carter), held on suspense in Assembly Approps., 2012  
AB 446 (Carter), Vetoed, 2011  
AB 114 (Carter), Vetoed, 2010  
AB 360 (Carter), Vetoed, 2008

**Support:** California Catholic Conference; California Conference for Equality and Justice; California Public Defenders Association (CPDA); California-Hawaii State Conference of the NAACP; Californians United for A Responsible Budget; Centinela Youth Services; Communities United for Restorative Youth Justice (CURYJ); Conflict Resolution Center of Santa Cruz County; Deafhope; Ella Baker Center for Human Rights; Grip Training Institute; Healing Dialogue and Action; Impact Justice; Initiate Justice; National Association of Social Workers, California Chapter; Pacific Juvenile Defender Center; Peace Anger Love; Prosecutors Alliance California; San Francisco Public Defender; San Diego Unified School District, Department of Restorative Justice Practices; Sister Warriors Freedom Coalition; Students Deserve; The Collective Healing and Transformation Project; The Transformative In-prison Workgroup; University of San Diego, Center for Restorative Justice

**Opposition:** None known

**Assembly Floor Vote:** 74 - 0

## PURPOSE

*The purpose of this bill is to require a victim to be notified of the availability of community-based restorative justice programs and processes available to them.*

*Existing law* establishes the following statutory rights of victims and witnesses of crimes:

- To be notified as soon as feasible that a court proceeding to which the victim or witness has been subpoenaed as a witness will not proceed as scheduled, provided the prosecuting attorney determines that the witness' attendance is not required;
- Upon request of the victim or a witness, to be informed by the prosecuting attorney of the final disposition of the case;
- For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express their views, have those views preserved by audio or video means and to have the court consider their statements;
- For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express their views;
- Upon request by the victim or the next of kin of the victim if the victim has died, to be notified of any parole eligibility hearing and of the right to appear, either personally or by other means to reasonably express their views, and to have their statements considered;
- Upon request by the victim or the next of kin of the victim if the crime was a homicide, to be notified of an inmate's placement in a reentry or work furlough program, or notified of the inmate's escape;
- To be notified that a witness may be entitled to witness fees and mileage;
- For the victim, to be provided with information concerning the victim's right to civil recovery and the opportunity to be compensated from the Restitution Fund;
- To the expeditious return of property that has allegedly been stolen or embezzled, when it is no longer needed as evidence;
- To an expeditious disposition of the criminal action;
- To be notified if the defendant is to be placed on parole;
- For the victim, to be notified by the district attorney's office of the right to request, upon a form provided by the district attorney's office, and receive a notice that the person who was convicted of one of the qualifying offenses has been ordered to be placed on probation, and give the victim notice of the proposed date upon which the person will be released from the custody;

- If requested notification of above, the sheriff shall inform the victim that the person who was convicted of the offense has been ordered to be placed on probation, and give the victim notice of the proposed date upon which the person will be released from the custody.

*This bill* adds the statutory right for the victim to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and the Department of Corrections and Rehabilitation (CDCR).

*This bill* provides that the victim has a right to be notified as early and often as possible, including during the initial contact, during follow-up investigation, at the point of diversion, throughout the process of the case, and in postconviction proceedings.

*Existing law* requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, inform each victim, or the victim's next of kin if the victim is deceased, of the rights they may have under applicable law relating to the victimization, including rights relating to housing, employment, compensation, and immigration relief. (Pen. Code, § 679.027, subd. (a).)

*Existing law* requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim without charge or cost a "Victim Protections and Resources" card. (Pen. Code, § 679.027, subd. (b)(1).)

*Existing law* requires the Attorney General (AG), by June 1, 2025, to design and make available in PDF or other imaging format to specified agencies a "Victim Protections and Resources" card that contains information in lay terms about victim rights and resources, as specified. (Pen. Code, § 679.027, subd. (b)(3).)

*This bill* requires the AG to include in the "Victim Protections and Resources" card information about the availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, juvenile detention facilities, and CDCR.

*Existing law* requires a probation officer, upon the request of an alleged victim of a crime and within 60 days of the final disposition of a juvenile's case in a juvenile justice court, to inform that victim by letter of the final disposition of the case. (Welf. & Inst. Code, § 742, subd. (a).)

*Existing law* requires the probation officer, in any case in which a petition to involve a juvenile justice court has been filed, to inform the victim of the offense, if any, of any victim-offender conferencing program or victim impact class available in the county, and of their right to be informed of the final disposition of the case, including their right, if any, to victim restitution, as permitted by law. (Welf. & Inst. Code, § 742, subd. (b).)

*This bill* removes reference to victim offender conferencing programs in existing law.

*This bill* requires a victim to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and CDCR. The victim shall be notified as early and often as possible, including, but not limited to, during the initial contact, during followup investigation, at the point of diversion, throughout the process of the case, and in all postconviction proceedings.

*This bill* states that it is the intent of the Legislature to establish a victim's right to be informed of the availability and benefits of restorative justice programs.

*This bill* contains various legislative findings and declarations related to the potential benefits of restorative justice.

## COMMENTS

### 1. Need for This Bill

According to the author of this bill:

Restorative Justice is a community-based, non-punitive set of processes that center the needs of people who have been harmed. These programs have shown successful results for participants and survivors in places it has been implemented. They have helped to bring healing and accountability for those who choose to participate.

Since there is no one-size-fits-all solution to healing, AB 60 will ensure that all victims of crime are informed of restorative justice programs that are available to them in their county. Victims should be informed of all the possible options they have in order to heal.

### 2. Background: Restorative Justice

This bill establishes the right of victims to be notified of the availability of community-based restorative justice programs and processes available to them.

*Restorative justice*, a relatively recent development in the criminal justice system, is making a bid to follow drug courts as an experiment that eventually becomes a regular part of the mainstream experience of justice. Although programs that comprise portions of the restorative justice ideal have existed for many years, the concept of a holistic umbrella under which restorative programs can thrive is relatively new.

In short, restorative justice is a process by which the harm done to victims of crime can be reduced or repaired. This is generally a cooperative effort between victim and defendant in which defendants are made aware of the personal impact of their criminal actions. In addition, the victim of the crime has an opportunity to work with the defendant in an attempt to dissuade the defendant from committing similar crimes in the future.

In practice, restorative justice typically involves two major phases: opportunities for victims of crime to communicate with defendants, and opportunities for the community to impact the sentence and encourage the defendant to make different choices in the future. According to Restorative Justice Online, a restorative justice evangelism and resource guide, these phases often include victim/defendant mediation, victim impact circles and conferences, victim assistance by or with the defendant, monetary and nonmonetary restitution, and comprehensive community service opportunities. Many of these programs exist individually throughout the country but lack a central theme to drive and manage them cohesively within a given jurisdiction. Restorative justice attempts to remedy this.

(Longman, *Making a case for restorative justice*, American Bar Association (June 28, 2017).)

### **3. Information for Victims**

Existing law provides statutory rights to victims of crimes, including, among other things, the right to be informed of the final disposition; the right to be notified of any pretrial disposition in the case; the right to receive notice that the defendant has been convicted; and the right to receive information about civil recovery and the opportunity to be compensated from the Restitution Fund. (Pen. Code, § 679.02.) Every victim of crime has the right to receive without cost or charge a list of the rights of victims of crime. (Pen. Code, § 679.02, subd. (b).) This bill would provide that victims also have the right to be notified of the availability of community-based restorative justice programs and processes available to them.

Existing law also requires the Attorney General, by June 1, 2025, to design and make available in PDF or other imaging format to specified agencies a “Victim Protections and Resources” card that contains information in lay terms about victim rights and resources, which a law enforcement agency investigating a criminal act and an agency prosecuting a criminal act will have to provide to each victim. The card must contain information about the victim’s rights under applicable laws, including rights relating to housing, employment, compensation, and immigration relief. (Pen. Code, § 679.027, subd. (b)(3).)

This bill would require the “Victim Protections and Resources” card also to contain information about the availability of community-based restorative justice programs and processes available to the victim, including programs serving their community, county, county jails, juvenile detention facilities, and CDCR.

### **4. Argument in Support**

According to the Center for Restorative Justice at University of San Diego:

Survivors and victims of crime often do not feel their needs are met or that they have a meaningful opportunity to be heard in traditional criminal legal processes. Only 14% of California survivors surveyed in 2019 reported feeling “very supported” by the criminal legal system after their experience of crime. Restorative Justice is an alternative to the criminal legal system that centers the needs of people who have been harmed, and its practice and theory is rooted in and developed from indigenous practices. It is a community-based, nonpunitive process that provides victims/survivors and their loved ones the opportunity to ask questions, share about the impact of harm, and engage in dialogue with the person

who caused them harm. Restorative Justice processes have resulted in higher rates of satisfaction for crime victims and survivors than going through the criminal legal system. Victims and survivors have also reported reduced feelings of fear, anger, post-traumatic stress symptoms, and depression after going through a Restorative Justice process.

AB 60 builds on California's extensive framework of victim and survivor's protections by expanding awareness about the availability and benefits of Restorative Justice processes, which is crucial to satisfy the unmet emotional and psychological needs of victims and survivors of crime. This bill gives crime victims and survivors the opportunity to learn about existing community-based programs in their communities, and to take advantage of these programs if they so choose.

**-- END --**