

Sponsor Statement for CS for House Bill 372 (FIN)

Alaska's Constitution is one of the few state founding documents to specifically recognize restitution and rehabilitation as primary goals of the correctional services.

HB 372 is a small first step towards promoting the values of restorative justice, a philosophy that is proving a highly successful response for low-impact non-violent offenders in other states. The central theme of restorative justice is accountability for the offender, restitution for the victim and reconciliation for the community. These are big words to say that the offender says, "I'm sorry", the victim gets his car fixed, and the community is allowed the chance to meet the offender and enforce the sanction.

Once an offender is found guilty, the provisions of HB 372 would permit a judge to allow the victim and offender to work out a sentence that would make the victim, or the victim's community, as whole as possible. For instance, if the offender broke a window, the window should be replaced. HB 372 is careful to specify that only willing, non-violent offenders, may be considered for a community-based sentence and only with the victim's consent. Domestic cases, where one household member acts against another, are also exempt from negotiation. In all cases, if the victim wishes to invoke the criminal sanctions all they have to do is ask. Only with a court's approval would a community-based sentence have the force of law and should an offender fail to meet the requirements agreed to, the judge may always invoke the standard penal response. Judicial review of these cases is important to ensure that similar offenses are countered with proportionate sentences.

In cases where the victim wishes to be involved and repaid by a non-violent offender, it is our belief that a more cost-effective community response is possible while still upholding the state's primary interest in public safety.

It is worth noting that traditional societies world wide have almost universally focused their justice systems on forcing the perpetrator to restore the victim to a pre-offense condition, to the degree possible. All Alaska Native groups enforced restorative principles to some extent and the Tlingit and Haida Indians had elaborate protocols for adjudicating offenses. Several Alaska and Yukon judges are now working with local volunteers to arrange for community-based, or "circle" sentencing in a number of Alaska communities.