

# Bill to Promote Justice for Victims of Sexual Violence

## Summary

This bill would declare that data gathered within a restorative practice cannot be used as evidence in a court proceeding.

## The Problem

The legal system is insufficient in meeting the needs of victims of sexual violence. The majority of sexual violence victims never report their assaults, and those who do almost never see accountability. Only 3% of rapists get sentenced; 97% walk free.

While restorative practices can provide victims of crimes the ability to seek accountability, answers, and apologies from their perpetrators, perpetrators of sexual violence will not admit guilt or apologize if their admission or apology could be used against them in court.

## The Solution

By passing this bill, perpetrators would have the ability to take accountability for their actions in restorative processes and give survivors what they need to heal without fearing that their participation would lead to incarceration or a lawsuit.

This bill would also leave the option of legal action intact. Evidence that is otherwise admissible or subject to discovery does not become inadmissible if used or discussed in a restorative practice.

## Exceptions

This policy excludes information necessary to prevent death, great bodily harm or the commission of a crime. It excludes information necessary for mandatory reporting as well as information to report malpractice of a licensed professional.

## Examples

- A survivor who reports their assault is most likely to see their rapist walk free. This bill would give them another path to seeking accountability after a legal case closes.
- A survivor may seek a restorative practice and not initially report. If their perpetrator does not participate, they can choose to report. If they are unsatisfied with the restorative process, they can choose to report. If they learn their perpetrator has another victim, they can choose to report.

## Support

Victims of sexual violence want this option. This bill is supported by the Sexual Violence Center, Domestic Abuse Project, Violence Free MN, the Minnesota Indian Women's Sexual Assault Coalition, Advocates for Human Rights, Men As Peacemakers, the MN Alliance on Crime, and more.



OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi

SENT VIA EMAIL

March 17, 2025

The Honorable Tina Liebling, Co-chair  
Judiciary Finance & Civil Law  
5<sup>th</sup> Floor Centennial Office Building  
Saint Paul, MN 55155

The Honorable Peggy Scott, Co-chair  
Judiciary Finance & Civil Law  
2<sup>nd</sup> Floor Centennial Office Building  
Saint Paul, MN 55155

***RE: Support for HF 104 - Confidentiality established for restorative justice practices participants, and data classified***

Dear Esteemed Legislators,

I am writing to encourage you to support HF 104, a bill that will create a privilege in state law for restorative practices, similar to the privilege that currently exists for alternative dispute resolution (Sec. 595.02, subd. 1a). Restorative practices are rooted in multiple indigenous communities around the world and have been used for generations to respond to harm through a participatory process in which a person who has caused harm voluntarily engages with any person who was harmed (if they choose) and community members to identify the harm caused and how it negatively impacted people, agree on what is needed to repair the harm, and identify and address the underlying causes to decrease the likelihood of future harm. Restorative practices are utilized throughout the state in Minnesota, in multiple contexts, and may be used in our communities as a direct response to harm (without legal system involvement), alongside or following the traditional legal system process.

In Ramsey County, we are increasingly incorporating restorative practices into our menu of options to procure meaningful accountability, as restorative practices help people who have caused harm to understand the real impact of their actions and develop empathy, decreasing the likelihood they will repeat that harmful behavior. A preliminary analysis of our data has found that young people referred to our office for delinquent behavior were three times more likely to be re-referred within 6 months when we processed them through the traditional legal system, than when we referred them directly to community-based accountability, which incorporates a variety of restorative practices, including restorative circles, asset-based case management, and family-group decision-making.

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The Honorable Tina Liebling, Co-chair  
The Honorable Peggy Scott, Co-chair  
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As we strive to continue to improve the quality of justice in Ramsey County, building trust with the people directly impacted by crime and violence is absolutely crucial to our success. Restorative practices improve our ability to better serve victim/survivors of harm, as they report more satisfaction with the options they have to participate and the measure of healing they can realize through the process.

One of the mantras of our traditional legal system is the adage that ‘anything you say can and will be used against you.’ Ensuring that what happens in the context of a restorative process is privileged when it comes to the legal system is imperative to any restorative practitioner’s ability to facilitate an authentic process, which relies on trust, honesty and integrity. This is critical to securing meaningful accountability, which can lead to healing for all those involved.

I strongly urge you to support HF 104 to ensure restorative practices are able to advance accountability, healing, and justice, uninhibited by whatever proceedings we may pursue in the traditional legal system.

Sincerely,



John Choi  
Ramsey County Attorney

February 13, 2025

**RE: Confidentiality for Restorative Practices, HF 104**

Dear Members of the Minnesota Legislature,

We write in strong support for this bill that would protect information gathered in restorative practices from being used in any court or administrative proceedings.

In recent years, the Minnesota Legislature has taken bipartisan steps to expand restorative practices through creation of the Office of Restorative Practices and the Veterans Restorative Justice Act. This is an additional opportunity for the State to promote the growth of restorative practices at the community level and allow all participants to engage authentically.

Restorative practices bring together individuals who have been harmed and caused harm along with the community to provide solace for those harmed and meaningful accountability for those who cause harm. Oftentimes, these restorative practices are more impactful than the traditional court system in ensuring accountability and reducing recidivism.

Confidentiality in restorative justice processes is especially critical in cases of sexual violence, where two of every three sexual assaults go unreported to the legal system, and the ones that do almost never end with a conviction. The Rape, Abuse, and Incest National Network reports that 97% of rapists walk free.

While most victims/survivors of sexual violence do not seek legal action, these victims/survivors still want accountability from their perpetrator. Accountability via a community-based restorative process is hindered by the fact that statements made in this setting could be leveraged to punish perpetrators in court.

This bill is essential to creating a landscape where perpetrators of crimes can take accountability for their actions without fearing that their confessions and apologies will be weaponized against them in court. Notably, this does not mean that victims cannot seek legal responses before or after engaging a restorative intervention. It would leave the legal system intact and simply provide victims an additional choice for how to navigate healing and meaningful accountability.

We, the undersigned, urge support for this important policy shift that will serve the interests of victims/survivors and public safety in Minnesota.



VIOLENCE FREE MINNESOTA



3/18/2025

RE: Confidentiality for Community-Based Restorative Justice Programs House File #104

Dear Members of the Minnesota Legislature, thank you for listening to me today.

My name is Sandra Weise. I'm a local restaurateur, mentor, speaker, board member, advocate, daughter, and lifelong Minnesotan.

I am here to share my strong support for House File 104.

As an adult in my 40's, I was attacked in the dark and raped like an animal by a known acquaintance.

House File 104 is a tool for victims like me to mitigate our needs after such a vicious violation. This bill can foster reclaiming consent, apologies and maybe even forgiveness one day and that deeply matters. This tool can help both sides understand, make amends safely and heal immensely. This tool is not for everyone but will be invaluable for those that choose it. Our existing tools aren't working when a 40 something woman who is educated, successful, sober, and who is a cop's daughter, does not feel comfortable reporting. If she questions if she will be believed...who can successfully report???

The terror of wondering if traditional reporting will actually help her or further devastate her life and the person causing harm is a spirit crushing reality of sexual assault reporting.

That is why so very few report.

Immediately after an assault, shock floods your body. Even brilliant minds fall victim to their faculties failing them after sexual assault. It's a blur. Your world view is immediately off kilter.

Traumatic shock is a defense mechanism that helps protect your brain and body. It is accompanied by a range of physical and emotional symptoms, numbness, confusion, disassociation, and time and space can seem foggy.

Immediately a rape victim is harshly judged on their ability to recall linear time, critical thought and sharp details all while physically tending to wounds, pain, shock and insomnia. Making life altering decisions is not recommended during a major life event yet rape victims must INSTANTLY choose a course or wait and be judged as less believable because she waited.

Most sexual assault cases are what is called "he said she said" and the courts, lawyers and mediators will very quickly tell victims they are very hard to charge and win. So, it feels like society pushes victims to report yet nothing happens? 6% of rapes are reported and 6% of those reported are charged. We have a flaming issue here.

**VICTIMS NEED A MEANINGFUL PROCESS OR WHY BOTHER REPORTING.**

House Bill 104 allows victims to participate in a restorative justice process that is humane and finally their choice. Healing and moving on with life is more likely through mutual recognition of the mistake and that is unheard of in the current civil process. When those that have caused harm face the impact of their mistake, that awareness could potentially stop future harm. It's similar to historic "old fashioned" ways community members brokered restoration together with both sides.

No matter how well meaning, rape advocates, police, nurses, court helpers, lawyers or judges intend to be there is no way for them to buffer the devastation from the personal fractures or the humiliating current legal process that unfolds. Often for many years. I don't know one woman in my life that hasn't fielded unwanted sexual touch.

Not one.

When you ask them what they want, the vast majority want acknowledgment of the mistake made and a private apology.

Currently without House Bill 104, the only way to get an apology from anyone is to civilly sue them and require an apology in the settlement (which isn't really an apology) and requires financial damages and legal fees with the grueling, brutal court system. Then of course the victim being branded with the title of gold digging, lying, whore. What a choice.

This bill is a start. Most of us want apologies when we have been wronged and to move on with our lives. Had this bill been available to me, I could have experienced healing, fairness, hope and the justice I would have surely sought in a meaningful way much, much sooner.

Today I am asking you to support bill HF104 and am available for questions.

Sandra Weise

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612-250-3023

March 15<sup>th</sup>, 2025

**RE: Support for HF 104/SF 2200**

Dear Members of the Minnesota Legislature,

I am Kathleen Kelly, a constituent of district 39A. I hold a master of fine arts degree in musical theatre and am a former collegiate educator, as well as a current state certified sexual assault advocate and preventionist. I am also a survivor of drug facilitated rape.

My rape occurred on June 28th, 2019, committed by a man I had known for four years and considered a friend. I completed a SANE exam and reported my rape to the Minneapolis Police Department, but the man that raped me was not charged due to the way the Minnesota criminal sexual conduct laws were written at that time. However, had he been charged and convicted, and I had the opportunity to deliver a victim impact statement before the court, I would have asked the judge to sentence him to court mandated mental health therapy, not a prison sentence. You may wonder why.

The man who harmed me has positive attributes such as serving his church community as a music minister. He is educated, intelligent, and well-respected as a retired US Air Force pilot, now flying for a major US airline. He is a husband, father, grandfather, and we share common friends who are good people. And yet, his need for power and control caused him to harm me profoundly, so something is wrong; he must be hurting inside. He doesn't need to be caged; he needs help working through his challenges in a constructive manner.

In the week after he raped me, I debated as to whether I should report him to the police; I knew prison time would not help him and the conviction would ruin his life and career. Despite my pain, I did not want to stoop to his same low level of needing power and harming him in return. I thought, "You cannot stop harm by harming another." However, I researched the number of sexual assault survivors who do not report the crimes and how this affects the criminal justice system's ability to track patterns of serial rapists. Research proved that I likely was not his first victim and I did not want another woman to experience the harm I now lived with. He needed to face accountability, so I reported him to police.

Yet, research proves that approximately 80% of rape victims will not report the crime. Working as a gender-based violence advocate the past two and a half years, many of my clients did not call the police when their partners harmed them because they did not want them to go to jail; they just wanted their partners to get help.

This tells us that if victims/survivors have access to alternative forms of justice such as restorative justice practices, more of them may report the crimes so that rehabilitative work can begin. Restorative justice practices have the potential to not only get victims/survivors information which may help them heal, but to also open the door for those who harm to face their truths and get rehabilitative therapy which will likely reduce recidivism rates. Research proves that we victims/survivors want this harm to end; logic tells us that those harming us will not open up truths which will incriminate themselves. Thus, I urge you to support HF 104 so we can make restorative justice practices safely available for gender-based violence victims/survivors one day soon. We deserve options for justice.

Sincerely,

Kathleen Kelly, Survivor and MN State Certified Sexual Assault Advocate



# Re: Support for HF 104 and SF 2200

My name is Natalina Slaughter and I live in Plymouth. I am offering my unique perspective to the Judiciary Committee to provide context and support for bill HF 104 and SF 2200. This would allow restorative justice providers to have the same confidentiality rules as therapists and other providers. This would allow for a new pathway for healing for survivors. I am a survivor of sexual abuse. I also am a mental health therapist with experience treating both survivors and perpetrators of sexual violence. I would like to stress to you a few key things about sexual violence that are relevant to this legislation. The first is that sexual violence, it's complicated. And complicated problems do not improve with simple, blanket solutions. For many people, going through the traditional criminal justice path is helpful and healing. However, for many others, myself included, it simply does not offer a sense of healing or justice. Some of this is due to failures of individuals and systems to provide trauma informed care. In addition, the justice system is often poorly suited to address the survivor's largest concerns. In the aftermath of my assault, I wanted to understand what happened to me and why. Like many survivors, my memory of the assault is poor. Poor memory of the event is a PTSD symptom. I wanted to ask questions about the things I didn't remember, I wanted to have enough knowledge to feel safe again. Unfortunately, there's no pathway for this.

Secondly, it is essential to state that my assailant is a human being. Viewing sex offenders as solely monsters or subhuman can contribute to the survivor blaming themselves or denying the abuse. Because I had empathy for my abuser, it was difficult to fully accept what he was doing to me was wrong. Like many survivors, I found a million ways to blame myself because I didn't think an otherwise normal person could be a rapist or abuser. That probably feels uncomfortable to read and I feel the need to stress that I am not saying that to protect him. He did something evil to me and deserves a consequence. But why not a consequence that also empowers the survivor? That let's the survivor specifically pursue what is most important to them? Bill HF 104 and SF 2200 would create an ability for survivors to experience healing in a way that can incorporate and work alongside existing systems. Sex offender treatment programs are still a valuable resource in reducing risk, and they exist both within our correctional system and in outpatient clients. Connecting existing resources to improve the health and wellbeing of survivors, maybe there is some benefit in simplicity.

Now the third thing is perhaps the most difficult leap. I understand this may be difficult to believe because it goes against our general cultural understanding of sex offenders. If it is too far of a reach, I ask that you still consider the possibility that this could be true. Not everyone who has sexually offended is destined to continue offending or to causing harm to the person they victimized. And if we can accept that's the case, isn't that the best possible option? The survivor can feel free and safe again, the government does not have to invest significant funds towards housing and caring for them, and the person can grow and learn from their bad choices. I would have found so much more healing through restorative justice, where I could have gotten my questions answered and we both could have accessed deeply needed resources.

-Natalina Slaughter



March 17, 2025

Chair Liebling, Chair Scott, and Members of the House Judiciary Finance and Civil Law Committee,

The Minnesota Association of County Officers (MACO) is comprised of the Minnesota County Recorders Association (MCRA) and the Minnesota Association of County Auditors, Treasurers, and Financial Officers (MACATFO) and represents county officers from all 87 Minnesota Counties.

While MACO/MCRA has participated in the Judicial Safety Working Group and appreciates the acceptance of some of our recommendations, several issues causing major concerns remain in House File 2127. If unaddressed, these concerns will present very difficult challenges to county officers resulting in significant strains on county resources and local property taxpayers.

We respectfully provide the following response to House File 2127:

1. To efficiently comply with the retroactive privatization of personal information for judicial officials, it is important to limit the scope to **records made available by the county recorder or other government entity through the internet**. This is especially relevant for tax, assessment, and other real property records, as it is more challenging to identify and mask the specific records needing protection.
2. We continue to have strong concerns regarding the **inclusion of judicial staff** in the draft and assert that the inclusion of staff creates administrative challenges due to the potential large volume of individuals and real properties when combined with retroactivity and other challenges. These challenges will drastically increase any administrative costs to counties and local taxpayers to implement. While it is understandable to protect staff, the Safe at Home program offers more effective and readily available protections.

It is also important to acknowledge the inevitability that this legislation will be expanded in the future to include other professions. This is another reason why we urge careful consideration of the volume of participants in relationship to how counties will be required to administer these provisions.

3. Due to the inherent challenges of retroactively protecting real property records, personal information can be acquired through various means other than from government entities or recorder property records. As a result, we request that the **exclusive remedy** for any violation of this section be a civil penalty of \$5,000, payable to the state general fund.

Retroactively privatizing real property records is challenging. We currently mask records for Safe at Home participants and Federal Judges and their families. Each of these programs is different, and the existence of various laws and processes adds to these challenges, especially where there is not an administrative body managing the program. The suggested improvements above will help alleviate some of these challenges.

Thank you for this opportunity for MACO/MCRA to provide feedback. We look forward to your consideration of our comments and continued future discussions.

*Amber Bougie*

Amber Bougie  
Hennepin County Recorder/Registrar of Titles  
Co-Chair, MCRA Legislative Committee

*Mary Schreiner*

Mary Schreiner  
Brown County Recorder/Registrar of Titles  
Co-Chair, MCRA Legislative Committee

*Michael Stalberger*

Michael Stalberger  
Blue Earth County  
Property & Environmental Resources Director  
Co-Chair, MACO Legislative Committee

*Julie Hanson*

Julie Hanson  
Scott County  
Property & Customer Service Manager  
Co-Chair, MACO Legislative Committee

Dear Members of the Minnesota Legislature,

I am writing to urge you to **please support proposed bill HF 104 and SF 2200**.

As a sexual violence survivor, I strongly support this bill, which would protect information gathered in restorative practices from being used in any court or administrative proceedings.

I know first-hand the impact this bill could have. Nearly 15 years ago, I experienced stalking, multiple forms of sexual violence, and repeated rape at the hands of an intimate partner.

At the time, I knew very little about my options for accountability or support. What I *did* know was that the odds of my perpetrator being held accountable by the criminal or civil justice system were exceptionally low. So I chose not make a police report or seek legal action, like the majority of sexual violence survivors. Those were not the right options for me at the time.

What I wanted and needed in the aftermath of my assaults was instead:

- For my perpetrator to apologize and to acknowledge the lasting harms he caused me.
- For my community to validate that what happened to me was wrong and not my fault.
- A chance to speak my experience aloud and have it heard by others.
- Access to resources to promote my immediate safety and long-term healing.

In the years since my assault, I have trained as a volunteer Sexual Assault Crisis Advocate, worked in Title IX on campuses, served on the Ramsey County Sexual Assault Protocol Team, led statewide sexual violence prevention efforts at the Minnesota Office of Higher Education, and helped to launch the Minnesota Institute for Trauma-Informed Education at the University of St. Thomas. I have encountered, listened to, and advocated for many other survivors who yearn for additional or alternative options for accountability and healing.

This bill would give survivors like me – and the others that I stand in solidarity with – expanded agency, options and choice: the very things taken from us in our experiences of sexual violence.

The 20 community organizations who have signed their support of this bill clearly recognize the power of expanding choices for survivors and empowering additional pathways to accountability, public safety, and healing. I hope that you can envision and support this opportunity, too.

With gratitude,

Laura Livalska  
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