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HOUSE BILL NO. 489

Offered January 14, 2026

Prefiled January 12, 2026

A BILL to amend the Code of Virginia by adding in Chapter 1.1 of Title 19.2 a section numbered 19.2-11.4:1, relating to restorative justice practices.

Patron—Hope

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1.1 of Title 19.2 a section numbered 19.2-11.4:1 as follows:

§ 19.2-11.4:1. Restorative justice practices.

A. As used in this section:

"Restorative justice communication" means all communications, memoranda, work products, documents, and other materials, written or oral, that are made in the course of, or in connection with, any phase of restorative justice practice.

"Restorative justice practice" means a voluntary participatory process in which parties who have caused harm, parties who have been harmed, or other participants gather to (i) identify and repair harm to the extent possible; (ii) address trauma; (iii) reduce the likelihood of further harm; or (iv) strengthen community ties by focusing on the needs and obligations of all parties involved. "Restorative justice practice" includes all phases of such a process, including referral, preparation, preenrollment, enrollment, postenrollment, facilitated dialogue or meeting, and postdialogue phases of the process.

B. Except as provided in this section, restorative justice communications are not admissible or subject to discovery, and disclosure of such communications shall not be compelled in any judicial or administrative proceeding, arbitration, or mediation. No person involved in a restorative justice practice may testify in any judicial or administrative proceeding, arbitration, or mediation about any phase of the restorative justice practice except as required by subsection C.

C. The privilege afforded by this section does not apply if:

1. Disclosure is necessary to prevent death or serious harm;

2. Disclosure is necessary to comply with another law;

3. A court, tribunal, or administrative body requires a report on a restorative justice practice, but such report shall be limited to the fact that a restorative justice practice has taken place, an opinion regarding the success of the restorative justice practice, and whether further restorative justice practices are expected; or

4. A person who participated in a restorative justice practice, including a practitioner, is called to testify by a party, but such testimony shall be limited to the fact that a restorative justice practice has taken place, an opinion regarding the success of the restorative justice practice, and whether further restorative justice practices are expected.

D. Evidence that is otherwise admissible or subject to disclosure or discovery does not become inadmissible or protected from disclosure or discovery solely because it was discussed or used in a restorative justice practice.