

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 10, Line 18, by inserting after all of said line the following:

"Further amend said bill, Page 12, Section 211.071, Line 136, inserting after all of the said section and line the following:

"211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or straitjackets, shall not be used on a child during a proceeding in a juvenile court and shall be removed prior to the child's appearance before the court unless the court finds both that:

(1) The use of restraints is necessary due to one of the following factors:

(a) Instruments of restraint are necessary to prevent physical harm to the child or another person;

(b) The child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or

(c) There is evidence that the child presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

2. If the juvenile office believes that there is an immediate safety or flight risk, as provided under subsection 1 of this section, the juvenile officer shall advise the attorney for the child and make a request in writing prior to the commencement of the proceeding for the child to remain restrained during the court proceeding while in the presence of the parties to the proceeding.

3. The court shall provide the child's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

4. If restraints are used, the restraints shall allow the child limited movement of the hands to read and handle documents and writings necessary to the proceeding. Under no circumstances shall

Action Taken _____ Date _____

1 a child be restrained using fixed restraints to a wall, floor, furniture, or other stationary object.";
2 and"; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.
6
7 Amends # 0077S05.08H