

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1034, Page 1, Section 211.221, Line 7, by inserting after all of said section
2 and line the following:

3
4 "211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or straitjackets,
5 shall not be used on a child during a proceeding in a juvenile court and shall be removed prior to the
6 child's appearance before the court unless the court finds both that:

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

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

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

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

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

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

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

25 4. If restraints are used, the restraints shall allow the child limited movement of the hands to
26 read and handle documents and writings necessary to the proceeding. Under no circumstances shall
27 a child be restrained using fixed restraints to a wall, floor, furniture, or other stationary object."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.

Action Taken _____ Date _____