

FIRST REGULAR SESSION

HOUSE BILL NO. 782

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

1227H.04I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 211, RSMo, by adding thereto one new section relating to the use of restraints on a child in juvenile court.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 211, RSMo, is amended by adding thereto one new section, to be known as section 211.436, to read as follows:

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, after a hearing, 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 officer believes that there is an immediate safety or flight risk, as provided under subsection 1 of this section, the juvenile officer shall advise the

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 attorney for the child and make a request in writing prior to the commencement of the
19 proceeding for the child to remain restrained during the court proceeding while in the
20 presence of the parties to the proceeding.

21 3. If a request for restraints is made by the juvenile officer, the court shall order
22 a hearing and 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
24 fact in support of the order.

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

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