

1 HB485  
2 164998-3  
3 By Representative Coleman  
4 RFD: Judiciary  
5 First Read: 05-APR-16

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8 SYNOPSIS: This bill would prohibit the use of  
9 restraints such as handcuffs, chains, irons, or  
10 straitjackets on a juvenile during a court  
11 proceeding unless the restraints are necessary to  
12 prevent the juvenile from physically harming  
13 himself or herself or another person, are necessary  
14 to prevent disruptive behavior, or the juvenile  
15 poses a substantial flight risk. This bill would  
16 also specify the procedure for determining if one  
17 of these factors is present.

18 This bill would also require the court to  
19 have a hearing and make findings of fact before  
20 ordering the use of restraints.

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22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To provide guidelines for the use of restraints by  
27 corrections staff on a juvenile during a court proceeding.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) For purposes of this section,  
3 juvenile means a child younger than 18 years of age.

4 (b) There is a presumption that no instruments of  
5 restraint, such as handcuffs, chains, irons, or straitjackets  
6 may be used on a juvenile during a court proceeding.

7 Restraints shall be removed prior to the appearance of the  
8 juvenile before the court unless the court first finds that:

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

11 a. The juvenile poses a threat of serious harm to  
12 himself or herself or others.

13 b. The juvenile has a demonstrable recent record of  
14 disruptive courtroom behavior that has placed others in  
15 potentially harmful situations.

16 c. The juvenile has been charged with a Class A or  
17 Class B felony.

18 d. There is reason to believe the juvenile is a  
19 flight risk from or a security threat to the courtroom.

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

25 (c) Absent a contempt during a proceeding, the court  
26 shall provide the juvenile's attorney an opportunity to be  
27 heard before the court orders the use of restraints. If

1 restraints are ordered, the court shall make findings of fact  
2 in support of the order.

3 (d) The judge, at any time, may reconsider his or  
4 her ruling upon obtaining new information regarding the  
5 factors enumerated in subsection (b).

6 Section 2. This act shall become effective on the  
7 first day of the third month following its passage and  
8 approval by the Governor, or its otherwise becoming law.