

1 HB474
2 164998-3
3 By Representatives Coleman-Evans and Alexander
4 RFD: Judiciary
5 First Read: 09-APR-15

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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

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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.