

SENATE BILL NO. 718

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

2778S.01H

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 211.436, to read as
3 follows:

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

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

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

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

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

17 (2) There are no less restrictive alternatives to
18 restraints that will prevent flight or physical harm to the

19 child or another person including, but not limited to, the
20 presence of court personnel, law enforcement officers, or
21 bailiffs.

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

29 3. If a request for restraints is made by the juvenile
30 officer, the court shall order a hearing and provide the
31 child's attorney an opportunity to be heard before the court
32 orders the use of restraints. If restraints are ordered,
33 the court shall make findings of fact in support of the
34 order.

35 4. If restraints are used, the restraints shall allow
36 the child limited movement of the hands to read and handle
37 documents and writings necessary to the proceeding. Under
38 no circumstances shall a child be restrained using
39 restraints fixed to a wall, floor, furniture, or other
40 stationary object.

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