

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 363

Representative Reece

**Cosponsors: Representatives Antonio, Ashford, Boyce, Boyd, Kuhns, Craig,
Fedor, Howse, Smith, K., Strahorn, Sykes**

A BILL

To enact section 2151.351 of the Revised Code to 1
require restraints to be removed from an alleged 2
or adjudicated delinquent child prior to the 3
commencement of a juvenile court hearing or 4
proceeding unless the court determines that the 5
use of restraints is necessary to prevent 6
physical harm to the child or another person or 7
to prevent the child from escaping. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2151.351 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2151.351. (A) Except as provided in division (B) of 11
this section, restraints shall be removed from an alleged or 12
adjudicated delinquent child prior to the commencement of a 13
juvenile court hearing or proceeding concerning the child. 14

(B) Restraints may be placed on an alleged or adjudicated 15
delinquent child during a juvenile court hearing or proceeding 16
if the court determines that restraints are necessary for either 17

<u>of the following:</u>	18
<u>(1) To prevent physical harm to the child or another</u>	19
<u>person;</u>	20
<u>(2) To prevent the child from fleeing or attempting to</u>	21
<u>flee the hearing or proceeding.</u>	22
<u>(C) The presiding juvenile court judge shall determine</u>	23
<u>whether to place restraints on an alleged or adjudicated</u>	24
<u>delinquent child in a juvenile court hearing or proceeding.</u>	25
<u>(D) The juvenile court may consider on a case-by-case</u>	26
<u>basis a motion brought by a juvenile court prosecutor or law</u>	27
<u>enforcement officer requesting the court to place an alleged or</u>	28
<u>adjudicated delinquent child in restraints during a juvenile</u>	29
<u>court hearing or proceeding.</u>	30
<u>(E) As used in this section, "restraints" means handcuffs,</u>	31
<u>chains, irons, or other devices used to restrain a person's</u>	32
<u>movements.</u>	33