

HB1279_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB13-1279 be amended as follows:

1 Amend printed bill, page 2, line 14, strike "(6) A" and substitute
2 "(6) (a) IF A JUVENILE APPEARS BEFORE A COURT IN ANY PROCEEDING
3 WEARING INSTRUMENTS OF RESTRAINT, INCLUDING BUT NOT LIMITED TO
4 HANDCUFFS, CHAINS, IRONS, OR STRAIGHT JACKETS, THE COURT MAY NOT
5 CONTINUE WITH THE PROCEEDING WITH THE JUVENILE REQUIRED TO WEAR
6 THE INSTRUMENTS OF RESTRAINT UNLESS THE COURT FINDS THAT:

7 (I) THE USE OF RESTRAINTS IS NECESSARY DUE TO ONE OF THE
8 FOLLOWING FACTORS:

9 (A) THE JUVENILE POSES A THREAT OF SERIOUS HARM TO HIMSELF
10 OR HERSELF OR OTHERS;

11 (B) THE JUVENILE HAS A DEMONSTRABLE RECENT RECORD OF
12 DISRUPTIVE COURTROOM BEHAVIOR THAT HAS PLACED OTHERS IN
13 POTENTIALLY HARMFUL SITUATIONS; OR

14 (C) THERE IS REASON TO BELIEVE THE JUVENILE IS A FLIGHT RISK;
15 AND

16 (II) A LESS-RESTRICTIVE ALTERNATIVE TO THE RESTRAINTS DOES
17 NOT EXIST THAT WILL PREVENT FLIGHT OR PHYSICAL HARM TO THE
18 JUVENILE OR OTHERS, INCLUDING BUT NOT LIMITED TO COURT PERSONNEL,
19 LAW ENFORCEMENT OFFICERS, OR BAILIFFS.

20 (b) THE COURT SHALL PROVIDE THE JUVENILE'S ATTORNEY AN
21 OPPORTUNITY TO BE HEARD BEFORE THE COURT ORDERS THE USE OF
22 RESTRAINTS. IF RESTRAINTS ARE ORDERED, THE COURT SHALL MAKE
23 FINDINGS OF FACT IN SUPPORT OF THE ORDER."

24 Page 2, strike lines 15 through 25.

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