

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 16, 2013
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB13-1279 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 11.
- 2 Renumber succeeding sections accordingly.
- 3 Page 2, line 14, strike "(6) A" and substitute "(6) (a) IF A JUVENILE
- 4 APPEARS BEFORE A COURT IN ANY PROCEEDING WEARING INSTRUMENTS OF
- 5 RESTRAINT, INCLUDING BUT NOT LIMITED TO HANDCUFFS, CHAINS, IRONS,
- 6 OR STRAIGHT JACKETS, THE COURT MAY NOT CONTINUE WITH THE
- 7 PROCEEDING WITH THE JUVENILE REQUIRED TO WEAR THE INSTRUMENTS
- 8 OF RESTRAINT UNLESS THE COURT FINDS THAT:
- 9 (I) THE USE OF RESTRAINTS IS NECESSARY DUE TO ONE OF THE
- 10 FOLLOWING FACTORS:
- 11 (A) THE JUVENILE POSES A THREAT OF SERIOUS HARM TO HIMSELF
- 12 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; OR
- 16 (C) THERE IS REASON TO BELIEVE THE JUVENILE IS A FLIGHT RISK;
- 17 AND
- 18 (II) A LESS-RESTRICTIVE ALTERNATIVE TO THE RESTRAINTS DOES
- 19 NOT EXIST THAT WILL PREVENT FLIGHT OR PHYSICAL HARM TO THE
- 20 JUVENILE OR OTHERS, INCLUDING BUT NOT LIMITED TO COURT PERSONNEL,
- 21 LAW ENFORCEMENT OFFICERS, OR BAILIFFS.
- 22 (b) THE COURT SHALL PROVIDE THE JUVENILE'S ATTORNEY AN

1 OPPORTUNITY TO BE HEARD BEFORE THE COURT ORDERS THE USE OF
2 RESTRAINTS. IF RESTRAINTS ARE ORDERED, THE COURT SHALL MAKE
3 FINDINGS OF FACT IN SUPPORT OF THE ORDER."

4 Page 2, strike lines 15 through 25.

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