

FIRST REGULAR SESSION

SENATE BILL NO. 269

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 20, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1434S.01I

AN ACT

To amend chapter 211, RSMo, by adding thereto one new section relating to the use of restraints on children in courts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 211, RSMo, is amended by adding thereto one new section, to be known as section 211.435, to read as follows:

211.435. Instruments of restraint, including handcuffs, chains, irons, or straitjackets, may not be used on a child during a proceeding in a juvenile court or a court of general jurisdiction and shall be removed prior to the child's appearance before the court unless the court finds both that:

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

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

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

(c) There is a founded belief that the child presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, the presence of court personnel, law enforcement officers, or bailiffs.

(3) The court shall provide the child's attorney an opportunity to be heard before the court orders the use of restraints. If restraints

22 are ordered, the court shall make findings of fact in support of the
23 order.

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