

GREEN SHEET REDIGEST

HB 187

2018 Regular Session

Marino

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

JUVENILES: Provides relative to the use of restraints on juveniles during court proceedings

DIGEST

Present law authorizes courts to control proceedings to ensure judicial efficiency.

Proposed law retains present law and further provides that children shall not be restrained in court proceedings, but in delinquency proceedings, a court may permit restraints upon a particularized determination of necessity.

Proposed law provides that if it is alleged that it is necessary to restrain a child, the child's attorney shall have the opportunity to object on the record, and if restraints are ordered, the court shall state the reasons therefor. Further authorizes the court to authorize the use of restraints when the conduct of the child during the hearing presents an imminent threat, risk of flight, or physical harm.

Proposed law provides that it does not apply when the child is in a detention center, in transport from a detention center to a courthouse, or when the child is held outside the courtroom where the juvenile proceedings will occur.

(Amends Ch.C. Art. 408)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Add court authorization for the use of restraints when the conduct of a child during a hearing presents a risk of flight or physical harm.

The House Floor Amendments to the engrossed bill:

1. Add court authorization for the use of restraints when the conduct of a child during a hearing presents an imminent threat.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Adds certain exceptions to proposed law.