

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 817 Session of
2011

INTRODUCED BY BAKER, YUDICHAK, ARGALL, BROWNE, COSTA, ERICKSON,
FERLO, FONTANA, GREENLEAF, MCILHINNEY, RAFFERTY, SMUCKER,
WASHINGTON, WOZNIAK, YAW, WILLIAMS AND FARNESE,
MARCH 11, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 6, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, IN JUVENILE MATTERS, ←
3 providing for the use of restraints on ~~juveniles~~ CHILDREN ←
4 during court proceedings.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6336.2. Use of restraints on ~~juveniles~~ CHILDREN during court ←
10 proceedings.

11 (a) Use of restraints.--Except as provided for in subsection
12 (b), restraints such as handcuffs, chains, shackles, irons or
13 straitjackets shall be removed prior to the commencement of a
14 court proceeding.

15 (b) Exception. Restraints may be used during a court ←
16 proceeding if the court determines that:

17 (1) they are necessary:

~~(i) to prevent physical harm to the juvenile CHILD or another person;~~

~~(ii) to prevent disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or~~

~~(iii) to prevent the juvenile CHILD, evidenced by an escape history or other relevant factors, from fleeing the courtroom; and~~

~~(2) there are no less restrictive alternatives to restraints that will prevent harm, disruptive behavior or flight.~~

~~(c) Additional requirements. The child shall be provided an opportunity to be heard regarding the necessity of restraints before the judge orders the use of restraints. If restraints are ordered, the judge shall make findings of fact on the record in support of the order.~~

~~(B) EXCEPTION.--RESTRAINTS MAY BE USED DURING A COURT PROCEEDING IF THE COURT DETERMINES ON THE RECORD, AFTER PROVIDING THE CHILD WITH AN OPPORTUNITY TO BE HEARD, THAT THEY ARE NECESSARY:~~

~~(1) TO PREVENT PHYSICAL HARM TO THE CHILD OR ANOTHER PERSON;~~

~~(2) TO PREVENT DISRUPTIVE COURTROOM BEHAVIOR, EVIDENCED BY A HISTORY OF BEHAVIOR THAT CREATED POTENTIALLY HARMFUL SITUATIONS OR PRESENTED SUBSTANTIAL RISK OF PHYSICAL HARM; OR~~

~~(3) TO PREVENT THE CHILD, EVIDENCED BY AN ESCAPE HISTORY OR OTHER RELEVANT FACTORS, FROM FLEEING THE COURTROOM.~~

Section 2. This act shall take effect in 60 days.