

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 817

PRINTER'S NO. 1042

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 11, 2011

PRIME SPONSOR

Senator Baker

HISTORY OF BILL

Referred to JUDICIARY, March 11, 2011

Reported as amended, April 12, 2011

First consideration, April 12, 2011

Re-referred to APPROPRIATIONS, May 4, 2011

Re-reported as committed, May 23, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 817 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by adding a section that would restrict the use of restraints, such as handcuffs, chains, shackles, irons or straitjackets, on a child (as defined in §6302) during court proceedings.

This legislation includes the following exceptions if the restraints are necessary:

- To prevent physical harm to the child or another person;
- To prevent disruptive courtroom behavior, evidenced by prior history;
- To prevent the child from fleeing the courtroom, evidenced by a prior escape history; or
- There are no less restrictive alternatives.

Additional language includes that a child shall be provided an opportunity to be heard regarding the necessity of restraints before the judge orders the use of such restraints. If the use of restraints is ordered, the judge shall make findings of fact on the record in support of the order.

FISCAL IMPACT:

The May 2010 Final Report of the Interbranch Commission on Juvenile Justice (ICJJ) recommended that the Pennsylvania Commission on Crime and Delinquency undertake a study and develop recommendations on how to reduce and if possible eliminate the shackling of juveniles in Pennsylvania's juvenile courtrooms.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

The Juvenile Court Procedural Rules Committee of the Supreme Court of Pennsylvania adopted a new Rule 139 on April 26, 2011 that includes the restraint restrictions listed above. The new Rule 139 takes effect June 1, 2011. This legislation simply mandates such restrictions in statute.

The enactment of this legislation will have no fiscal impact on Commonwealth funds.