

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 AND YAW, MARCH 11, 2011

REFERRED TO JUDICIARY, MARCH 11, 2011

AN ACT

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

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

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

8 § 6336.2. Use of restraints on juveniles during court
 9 proceedings.

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

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

16 (1) they are necessary:

17 (i) to prevent physical harm to the juvenile or
 18 another person;

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

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

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

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

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