

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 12, 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:

18 (i) to prevent physical harm to the juvenile CHILD



1 or another person;

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

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

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

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

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