

HB 2262 -- USE OF RESTRAINTS

SPONSOR: Jones

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 11 to 0. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 8 to 0.

This bill specifies that when a court in juvenile cases has a local court rule or otherwise mandates that a juvenile must be restrained during court proceedings using either handcuffs, chains, irons, or a straitjacket, the juvenile's attorney has the right to be heard on the issue of the necessity of the use of restraints and to request that the restraints not be used. The juvenile's attorney may present evidence that the juvenile is not a flight risk, poses no safety risk to himself or herself, others, or has no history of disruptive courtroom behavior. If the court orders that restraints must be used, the court is required to make findings of fact in support of such use.

PROPONENTS: Supporters say that this bill specifies a juvenile's attorney can apply to the court to determine if shackles on a juvenile in custody are necessary for court purposes. Shackles should be used solely for security purposes, not to intimidate, harass, or humiliate the juvenile.

Testifying for the bill were Representative Jones; M&R Strategic Services; Missouri Juvenile Justice Association; and ACLU.

OPPONENTS: There was no opposition voiced to the committee.