

AMENDMENTS TO LB482

Introduced by Judiciary.

1 1. Strike original section 3 and insert the following new section:

2 Sec. 3. (1) Restraints shall not be used on a juvenile during a
3 juvenile court proceeding and shall be removed prior to the juvenile's
4 appearance before the juvenile court, unless the juvenile court makes a
5 finding of probable cause that:

6 (a) The use of restraints is necessary:

7 (i) To prevent physical harm to the juvenile or another person;

8 (ii) Because the juvenile:

9 (A) Has a history of disruptive courtroom behavior that has placed
10 others in potentially harmful situations; or

11 (B) Presents a substantial risk of inflicting physical harm on
12 himself or herself or others as evidenced by recent behavior; or

13 (iii) Because the juvenile presents a substantial risk of flight
14 from the courtroom; and

15 (b) There is no less restrictive alternative to restraints that will
16 prevent flight or physical harm to the juvenile or another person,
17 including, but not limited to, the presence of court personnel, law
18 enforcement officers, or bailiffs.

19 (2) The court shall provide the juvenile's attorney an opportunity
20 to be heard before the court orders the use of restraints. If restraints
21 are ordered, the court shall make written findings of fact in support of
22 the order.

23 (3) For purposes of this section, restraints includes, but is not
24 limited to, handcuffs, chains, irons, straitjackets, and electronic
25 restraint devices.