

1 Purpose: To restrict the use of restraints on juveniles in Federal juvenile delinquency
2 proceedings.

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4

5 S. 2123

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7 To reform sentencing laws and correctional institutions, and for
8 other purposes.

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10 Referred to the Committee on _____ and ordered to be
11 printed

12 Ordered to lie on the table and to be printed

13 AMENDMENT INTENDED TO BE PROPOSED BY _____

14 Viz:

15 At the end of title II, add the following:

16 **SEC. 214. USE OF RESTRAINTS IN JUVENILE**
17 **DELINQUENCY PROCEEDINGS.**

18 (a) In General.—Chapter 403 of title 18, United States Code, as amended by section 212, is
19 amended by adding at the end the following:

20 **“5046. Use of restraints in juvenile delinquency proceedings**

21 “(a) Definition of Restraints.—In this section, the term ‘restraints’ means handcuffs, chains,
22 irons, straitjackets, cloth or leather restraints, and other similar items.

23 “(b) Restriction.—Restraints may not be used on a juvenile during a court proceeding under
24 this chapter and shall be removed from the juvenile before the juvenile is brought into the
25 courtroom unless the court finds that—

26 “(1) the use of restraints is necessary—

27 “(A) to prevent physical harm to the juvenile or another individual;

28 “(B) because the juvenile—

29 “(i) has a history of disruptive courtroom behavior that has placed other
30 individuals in potentially harmful situations; or

31 “(ii) presents a substantial risk of inflicting harm on himself or herself or other
32 individuals as evidenced by recent behavior; or

33 “(C) because the court has a well-founded belief that the juvenile presents a

1 substantial risk of flight from the courtroom; and

2 “(2) there are no less restrictive alternative to restraints that will prevent flight or physical
3 harm to the juvenile or another individual, including the presence of court personnel, law
4 enforcement officers, or bailiffs.

5 “(c) Procedures.—

6 “(1) OPPORTUNITY TO BE HEARD.—Before the court orders the use of restraints on a
7 juvenile under this section, the court shall provide counsel for the juvenile the opportunity
8 to be heard.

9 “(2) WRITTEN FINDINGS OF FACT.—If the court orders the use of restraints under this
10 section, the court shall make written findings of fact in support of the order.

11 “(d) Form of Restraints.—

12 “(1) MOBILITY.—Any restraints authorized to be used on a juvenile during a court
13 proceeding under this chapter shall allow the juvenile limited movement of the hands to
14 read and handle documents necessary to the proceeding.

15 “(2) PROHIBITED FORMS.—A juvenile may not be restrained using restraints fixed to a
16 wall, the floor, or furniture during any court proceeding under this chapter.”.

17 (b) Technical and Conforming Amendment.—The table of sections for chapter 403 of title 18,
18 United States Code, as amended by section 212, is amended by adding at the end the following:

19 “5046. Use of restraints in juvenile delinquency proceedings.”.
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