

By: Wu

H.B. No. 488

A BILL TO BE ENTITLED

AN ACT

relating to requirements for a juvenile's appearance in a judicial proceeding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Family Code, is amended by adding Sections 54.12 and 54.13 to read as follows:

Sec. 54.12. USE OF RESTRAINTS. (a) A mechanical or physical restraint may not be used on a child during a judicial proceeding and any restraint must be removed before the child's appearance before the court unless the court finds that:

(1) the use of a mechanical or physical restraint is necessary:

(A) to prevent physical injury to the child or another person;

(B) because the child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations; or

(C) because the child presents a substantial risk of flight from the courtroom; and

(2) the mechanical or physical restraint used is the least restrictive restraint effective to prevent the child's escape or physical injury to the child or another person.

(b) The court shall provide the child's attorney an opportunity to be heard before the court may order the use of a

1 mechanical or physical restraint. If the use of a restraint is
2 ordered, the court shall make findings of fact in support of the
3 order.

4 Sec. 54.13. CLOTHING DURING JUDICIAL PROCEEDING. (a)
5 Except as provided by Subsection (b), during a judicial proceeding,
6 a court shall permit a child to wear clothing other than a uniform
7 provided by a detention or correctional facility if:

8 (1) the child's attorney requests the court's
9 permission for the child to wear other clothing; and

10 (2) the child's attorney or family member provides the
11 child with appropriate clothing.

12 (b) The court may deny an attorney's request under
13 Subsection (a) only if the court finds that granting the request
14 would present:

15 (1) a substantial risk of the child's flight from the
16 courtroom; or

17 (2) a safety risk to the child or another person.

18 SECTION 2. This Act takes effect September 1, 2021.