

## **BILL ANALYSIS**

H.B. 2934  
By: Wu  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed concern that the use of mechanical or physical restraints on children in juvenile court has become a widespread practice despite the fact that the majority of juvenile court cases are for nonviolent offenses. Children in custody are frequently brought into court in leg irons, handcuffs, and belly chains, even without proof that they pose a flight risk or safety concern. In contrast, the parties note that an adult in a criminal court may not be placed in physical restraints unless there are compelling security reasons. The parties contend that juvenile shackling puts youth at a disadvantage in court and violates the presumption of innocence, leads to biases in judges and juries, and interferes with the attorney-client relationship. The parties further contend that shackling is contrary to the rehabilitative purpose of the juvenile justice system and may actually increase recidivism. H.B. 2934 seeks to address these issues.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2934 amends the Family Code to prohibit the use of a mechanical or physical restraint on a child during a judicial proceeding in a juvenile court and to require the removal of any restraint before the child's appearance before the court, unless the court finds that the use of such a restraint is necessary to prevent physical injury to the child or another or is necessary because the child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations and finds that the restraint used is the least restrictive restraint effective to prevent physical injury to the child or another or the child's escape. The bill requires the court to provide the child's attorney an opportunity to be heard before the court is authorized to order the use of such a restraint. The bill requires a court that orders the use of such a restraint to make findings of fact in support of the order.

### **EFFECTIVE DATE**

September 1, 2015.