

By: Wu

H.B. No. 679

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibiting the use of a mechanical or physical  
3 restraint on a child during a judicial proceeding in the juvenile  
4 court.

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

6 SECTION 1. Chapter 54, Family Code, is amended by adding  
7 Section 54.12 to read as follows:

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

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

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

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

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

22 (b) The court shall provide the child's attorney an  
23 opportunity to be heard before the court may order the use of a  
24 mechanical or physical restraint. If the use of a restraint is

1 ordered, the court shall make findings of fact in support of the  
2 order.

3 SECTION 2. This Act takes effect September 1, 2017.