

By: Wu, Miller, Dutton, White

H.B. No. 4267

Substitute the following for H.B. No. 4267:

By: Dutton

C.S.H.B. No. 4267

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; or

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

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

(b) The court shall provide the child's attorney an opportunity to be heard before the court may order the use of a mechanical or physical restraint. If the use of a restraint is ordered, the court shall make findings of fact in support of the

1 order.

2 Sec. 54.13. CLOTHING DURING JUDICIAL PROCEEDING. (a)

3 Except as provided by Subsection (b), during a judicial proceeding,  
4 a court shall permit a child to wear clothing other than a uniform  
5 provided by a detention or correctional facility if:

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

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

10 (b) The court may deny an attorney's request under  
11 Subsection (a)(1) only if the court finds that granting the request  
12 would present:

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

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

16 SECTION 2. This Act takes effect September 1, 2019.