

## **BILL ANALYSIS**

H.B. 506  
By: Wu  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The use of restraints on juveniles during judicial proceedings could put these youth at a disadvantage in court, as the use of restraints may cloud the presumption of innocence, lead to biases in judges and juries, and interfere with the attorney-client relationship. Furthermore, juveniles often appear in court in correctional uniforms, which projects an image of criminality that may also bias judges and juries and lead to unfair assumptions that violate the presumption of innocence. H.B. 506 seeks to address these issues by restricting the use of restraints in juvenile court proceedings and by requiring the court to permit a child to wear clothing other than a uniform provided by a detention or correctional facility.

### **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. 506 amends the Family Code to prohibit the use of a mechanical or physical restraint on a child during a judicial proceeding and to require the removal of any restraint before the child's appearance before the court unless the court finds the following:

- the use of the restraint is necessary to prevent physical injury to the child or another person or because the child presents a substantial risk of flight from the courtroom or has a history of disruptive courtroom behavior that has placed others in potentially harmful situations; and
- the restraint used is the least restrictive restraint effective to prevent the child's escape or physical injury to the child or another person.

The bill requires the court to provide the child's attorney an opportunity to be heard before ordering the use of a mechanical or physical restraint and, if ordered, to make findings of fact in support of the order.

H.B. 506 requires a court to permit a child during a judicial proceeding to wear clothing other than a uniform provided by a detention or correctional facility if the child's attorney requests the court's permission for the child to wear other clothing and the child's attorney or family member provides the child with appropriate clothing. The bill authorizes the court to deny such a request only if it finds that granting the request would present a substantial risk of the child's flight from the courtroom or a safety risk to the child or another person.

### **EFFECTIVE DATE**

September 1, 2023.