

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 817

Printer's No.: 835

Sponsor: Senator Baker

Prepared by: Gregg Warner

Synopsis: This bill amends the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, adding a section that restricts the use of restraints such as shackles on juveniles during court proceedings.

Summary: New section 6336.2 provides that restraints such as handcuffs, chains, shackles, irons and straightjackets must be removed prior to the commencement of a court proceeding. There are exceptions.

Exceptions

Restraints may be used during a court proceeding if the court determines that they are necessary to prevent physical harm to the juvenile or another person; to prevent disruptive courtroom behavior evidenced by prior history; or to keep the juvenile from fleeing the court room; and there are no less restrictive alternatives to restraints that will prevent harm, disruptive behavior or flight.

Opportunity to be heard

The child shall be provided with an opportunity to be heard regarding the necessity of restraints before the judge orders the use of restraints. If restraints are ordered, the judge shall make findings of fact on the record in support of the order.

Effective date

This act takes effect in 60 days.

Background: Chapter 63 of the Judicial Code is the Juvenile Act.

Interbranch Commission on Juvenile Justice

In its report investigating Luzerne County's juvenile justice system, the Interbranch Commission found that "The use of shackles on children can be a demeaning and dehumanizing practice that is contrary to the philosophy of balanced and restorative justice and undermines the goals of providing treatment, rehabilitation and supervision of children. However, there are certain circumstances where children need to be restrained to protect themselves and others and maintain security in the courtroom."

The Interbranch Commission recommended that a study be done to address this issue and the "goal of the study should be to reduce and if possible eliminate shackling in Pennsylvania's juvenile courtrooms."