By Senator Siplin

19-183-06

1	A bill to be entitled
2	An act relating to the use of restraints on a
3	child during juvenile proceedings; amending s.
4	985.228, F.S.; prohibiting the use of
5	instruments of restraint on a child during an
6	adjudicatory hearing or elsewhere in a
7	courthouse; providing specified exceptions;
8	amending s. 985.311, F.S.; correcting a
9	cross-reference; providing an effective date.
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11	Be It Enacted by the Legislature of the State of Florida:
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13	Section 1. Present subsections (3), (4), (5), (6), and
14	(7) of section 985.228, Florida Statutes, are redesignated as
15	subsections $(4)$ , $(5)$ , $(6)$ , $(7)$ , and $(8)$ , respectively, a new
16	subsection (3) is added to that section, and present
17	subsection (5) of that section is amended, to read:
18	985.228 Adjudicatory hearings; withheld adjudications;
19	orders of adjudication
20	(3) Instruments of restraint, such as handcuffs,
21	chains, irons, or straitjackets, may not be used on a child
22	during an adjudicatory hearing or elsewhere in a courthouse
23	and must be removed when the child appears before the court
24	unless the child:
25	(a) Is likely to attempt to escape during a transfer
26	or a hearing;
27	(b) Is charged with a capital offense; or
28	(c) Has a history of disruptive behavior and there is
29	a likelihood that the child will cause bodily harm to himself,
30	herself, or others.
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1	(6)(5) If the court finds that the child named in a
2	petition has committed a delinquent act or violation of law,
3	but elects not to proceed under subsection $(5)(4)$ , it shall
4	incorporate that finding in an order of adjudication of
5	delinquency entered in the case, briefly stating the facts
6	upon which the finding is made, and the court shall thereafter
7	have full authority under this chapter to deal with the child
8	as adjudicated.
9	Section 2. Paragraph (e) of subsection (3) of section
10	985.311, Florida Statutes, is amended to read:
11	985.311 Intensive residential treatment program for
12	offenders less than 13 years of age
13	(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
14	TREATMENT
15	(e) After a child has been adjudicated delinquent
16	under s. 985.228(6) pursuant to s. 985.228(5), the court shall
17	determine whether the child is eligible for an intensive
18	residential treatment program for offenders less than 13 years
19	of age under pursuant to s. 985.03(7). If the court
20	determines that the child does not meet the criteria, the
21	provisions of s. 985.231(1) shall apply.
22	Section 3. This act shall take effect July 1, 2006.
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25	SENATE SUMMARY
26	Prohibits using instruments of restraint on a child
27	during an adjudicatory hearing or elsewhere in a courthouse. Provides specified exceptions.
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