

By Senator Siplin

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A bill to be entitled

An act relating to the use of restraints on a child during juvenile proceedings; amending s. 985.228, F.S.; prohibiting the use of instruments of restraint on a child during an adjudicatory hearing or elsewhere in a courthouse; providing specified exceptions; amending s. 985.311, F.S.; correcting a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (3), (4), (5), (6), and (7) of section 985.228, Florida Statutes, are redesignated as subsections (4), (5), (6), (7), and (8), respectively, a new subsection (3) is added to that section, and present subsection (5) of that section is amended, to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.--

(3) Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, may not be used on a child during an adjudicatory hearing or elsewhere in a courthouse and must be removed when the child appears before the court unless the child:

(a) Is likely to attempt to escape during a transfer or a hearing;

(b) Is charged with a capital offense; or

(c) Has a history of disruptive behavior and there is a likelihood that the child will cause bodily harm to himself, herself, or others.

