

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1919

By: Representative Scott

For An Act To Be Entitled

AN ACT CONCERNING THE USE OF INSTRUMENTS OF RESTRAINT
ON INDIVIDUALS WHO ARE UNDER EIGHTEEN (18) YEARS OF
AGE DURING A COURT APPEARANCE; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE USE OF INSTRUMENTS OF
RESTRAINT ON INDIVIDUALS WHO ARE UNDER
EIGHTEEN (18) YEARS OF AGE DURING A COURT
APPEARANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended to add an additional section to read as follows:

9-27-371. Use of restraints on juveniles in court.

(a) As used in this section, "instrument of restraint" means handcuffs, chains, irons, straightjackets, or any other item or device that is used to restrict the movement of a person.

(b) An instrument of restraint shall not be used on a juvenile when he or she appears in court unless the court finds that:

(1) The use of an instrument of restraint on the juvenile is necessary due to one (1) or more of the following:

(A) The juvenile poses a threat of serious harm to himself or herself or to others;

(B) The juvenile has a demonstrable recent record of disruptive courtroom behavior that has placed others in a potentially harmful



situation; or

(C) There is reason to believe that the juvenile may attempt to escape; and

(2) There is no less restrictive alternative to using an instrument of restraint on the juvenile that will prevent the escape or attempted escape of the juvenile or physical harm to the juvenile or another person.

(c)(1) A court shall provide counsel for a juvenile with an opportunity to be heard before the court orders the use of an instrument of restraint on the juvenile.

(2) If the court orders the use of an instrument of restraint on a juvenile, the court shall enter a written order that includes findings of fact in support of the order.

SECTION 2. Arkansas Code Title 16, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

16-10-141. Use of restraints on minors in court.

(a) As used in this section:

(1) "Instrument of restraint" means handcuffs, chains, irons, straightjackets, or any other item or device that is used to restrict the movement of a person; and

(2) "Minor" means a person who is under eighteen (18) years of age.

(b) An instrument of restraint shall not be used on a minor when he or she appears in court unless the court finds that:

(1) The use of an instrument of restraint on the minor is necessary due to one (1) of the following:

(A) The minor poses a threat of serious harm to himself or herself or to others;

(B) The minor has a demonstrable recent record of disruptive courtroom behavior that has placed others in a potentially harmful situation; or

(C) There is reason to believe that the minor may attempt to escape; and

(2) There is no less restrictive alternative to using an instrument of restraint on the minor that will prevent the escape or

attempted escape of the minor or physical harm to the minor or another person.

(c)(1) A court shall provide counsel for a minor with an opportunity to be heard before the court orders the use of an instrument of restraint on the minor.

(2) If the court orders the use of an instrument of restraint on a minor, the court shall enter a written order that includes findings of fact in support of the order.