

HOUSE BILL 626

By Wilburn

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to juveniles.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-127, is amended by adding the following as a new, appropriately designated subsection:

(1) At any juvenile court hearing, or general sessions court hearing under § 37-1-203, the judge may order a child to be subject to mechanical restraints in the courtroom, such as handcuffs, restraint belts, jacket restraints, or footcuffs, only when the judge finds the restraints to be necessary to prevent flight or physical harm to the child or another person.

(2) The judge shall provide the child and the child's attorney an opportunity to be heard to contest the use of mechanical restraints before the judge orders their use, unless the judge determines it is an emergency.

(3) If mechanical restraints are ordered, the judge shall make written findings of fact in support of the order, including that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, court personnel, law enforcement officers, or bailiffs.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.