

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Representative Scott  
6

# A Bill

HOUSE BILL 1919

## For An Act To Be Entitled

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

15 CONCERNING THE USE OF INSTRUMENTS OF  
16 RESTRAINT ON INDIVIDUALS WHO ARE UNDER  
17 EIGHTEEN (18) YEARS OF AGE DURING A COURT  
18 APPEARANCE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended  
24 to add an additional section to read as follows:

25 9-27-371. Use of restraints on juveniles in court.

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

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

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

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

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



1 situation; or

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

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

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

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

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

17 16-10-141. Use of restraints on minors in court.

18 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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