**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3196**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brady, Spires, Toole, Butler Garrick, Erickson and Long

Document Path: l:\council\bills\ms\7066ahb11.docx

Companion/Similar bill(s): 303

Introduced in the House on January 11, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Juveniles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/14/2010 House Prefiled

12/14/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 79](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 79](file:///h:\hj%20archive\2011\01-11-11.docx))

1/26/2011 House Member(s) request name added as sponsor: Toole

2/2/2011 House Member(s) request name added as sponsor: Butler Garrick

3/2/2011 House Member(s) request name added as sponsor: Erickson, Long

**VERSIONS OF THIS BILL**

[12/14/2010](file:///p:\pprever\2011-12\3196_20101214.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑1415 SO AS TO PROVIDE RESTRICTIONS ON THE USE OF RESTRAINTS ON JUVENILES UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE, TO GIVE A JUVENILE’S ATTORNEY THE RIGHT TO BE HEARD, AND TO REQUIRE FINDINGS OF FACT IN SUPPORT IF RESTRAINTS ARE ORDERED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 13, Chapter 19, Title 63 of the 1976 Code is amended to read:

“Section 63‑19‑1415. (A) When a juvenile appears before the court wearing instruments of restraint, such as handcuffs, chains, irons, or straightjackets, the court in any proceeding may not continue with the juvenile required to wear instruments of restraint unless the court first finds that:

(1) the use of restraints is necessary due to one of the following factors:

(a) the child poses a threat of serious harm to himself or others;

(b) the child has a demonstrable recent record of disruptive courtroom behavior that has placed others in potentially harmful situations; or

(c) there is reason to believe the child is a flight risk; and

(2) 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.

(B) The court shall provide the juvenile’s attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.”

SECTION 2. This act takes effect upon approval by the Governor.

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