

House Bill 966

By: Representatives Oliver of the 82nd, Willard of the 51st, Efstoration of the 104th, Ballinger of the 23rd, Welch of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions of the Juvenile Code, so as to change provisions relating to
3 conduct of hearings; to limit the use of restraints on a child in the courtroom; to provide for
4 related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
9 general provisions of the Juvenile Code, is amended by adding a new subsection to Code
10 Section 15-11-17, relating to conduct of hearings generally and applicability of Title 24, to
11 read as follows:

12 "(e) When any hearing is conducted under this chapter, a child shall not appear in the
13 courtroom in shackles, manacles, leg irons, waist chains, handcuffs, arm chains, or any
14 other type of physical restraint unless the court has issued an order finding that the use of
15 such restraints is necessary for such particular child. In making such determination, the
16 court shall allow the child's attorney to be heard on the issue prior to issuing such order and
17 shall take into consideration such child's history of behavior, the risk of injury such child
18 poses to himself or herself or others, such child's flight risk, such child's need for the
19 necessary use of his or her hands to read, handle documents, or write for such hearing, any
20 rules issued by the Council of Juvenile Court Judges, and input from the sheriff. If
21 restraints are ordered, such order shall include findings of fact to support such order and
22 shall require the least restrictive restraints necessary."

23 **SECTION 2.**

24 This Act shall become effective on July 1, 2019.

25

SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.