

House Bill 438

By: Representatives Ballinger of the 23rd, Cantrell of the 22nd, Welch of the 110th, and Oliver of the 82nd

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 any type of physical restraint unless the court has issued an order finding that
14 the use of such restraints is necessary for such particular child. In making such
15 determination, the court shall allow the child's attorney to be heard on the issue prior to
16 issuing such order and shall take into consideration such child's history of behavior, the risk
17 of injury such child poses to himself or herself or others, such child's flight risk, such
18 child's need for the necessary use of his or her hands to read, handle documents, or write
19 for such hearing, any rules issued by the Council of Juvenile Court Judges, and input from
20 the sheriff. If restraints are ordered, such order shall include findings of fact to support
21 such order and shall require the least restrictive restraints necessary."

22 **SECTION 2.**

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

24

SECTION 3.

25 All laws and parts of laws in conflict with this Act are repealed.