

BILL ANALYSIS

H.B. 679
By: Wu
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties argue that using a mechanical or physical restraint on a child in juvenile court is usually unnecessary and puts the child at numerous disadvantages. H.B. 679 seeks to address this issue by restricting the use of restraints in juvenile court.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 679 amends the Family Code to prohibit the use of a mechanical or physical restraint on a child during a judicial proceeding and to require the removal of any restraint before the child's appearance before the court unless the court finds that the use of a mechanical or physical restraint is necessary to prevent physical injury to the child or another or because the child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations and finds that the mechanical or physical restraint used is the least restrictive restraint effective to prevent physical injury to the child or another or the child's escape. The bill requires the court to provide the child's attorney an opportunity to be heard before the court may order the use of a mechanical or physical restraint. The bill requires a court that orders use of a restraint to make findings of fact in support of the order.

EFFECTIVE DATE

September 1, 2017.