

## **BILL ANALYSIS**

C.S.H.B. 4267  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised about the widespread use of mechanical or physical restraints on children in juvenile court, and it has been argued that such use is often unnecessary and may put the child at numerous disadvantages. There are also concerns that requiring a child to wear the child's correctional uniform to court could lead to bias that violates the presumption of innocence. C.S.H.B. 4267 seeks to address these concerns by restricting the use of restraints in juvenile court and ensuring, subject to certain conditions, that a child is permitted to wear clothing other than a correctional uniform during a judicial proceeding.

### **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**

C.S.H.B. 4267 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
- 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.

C.S.H.B. 4267 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 and requires a court that orders use of a restraint to make findings of fact in support of the order.

C.S.H.B. 4267 requires a court to permit a child during a judicial proceeding to wear clothing other than a uniform provided by a detention or correctional facility if the child's attorney requests the court's permission for the child to wear other clothing and the child's attorney or family member provides the child with appropriate clothing. The bill authorizes the court to deny such a request only if the court finds that granting the request would present a substantial risk of the child's flight from the courtroom or a safety risk to the child or another person.

### **EFFECTIVE DATE**

September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4267 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute adds certain conditions under which a court is required to permit a child to wear clothing other than a uniform provided by a detention or correctional facility.

The substitute includes an authorization for the court to deny an attorney's request for a child to wear clothing other than a uniform under certain conditions.

The substitute does not include a requirement for the court to provide the child with appropriate clothing if the child does not have access to any clothing other than a uniform at the time of the proceeding.