

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 363

Representative Reece

**Cosponsors: Representatives Antonio, Ashford, Boyce, Boyd, Kuhns, Craig,
Fedor, Howse, Smith, K., Strahorn, Sykes**

A BILL

To enact section 2151.351 of the Revised Code to 1
require restraints to be removed from an alleged 2
or adjudicated delinquent child prior to the 3
commencement of a juvenile court hearing or 4
proceeding unless the court determines that the 5
use of restraints is necessary to prevent 6
physical harm to the child or another person or 7
to prevent the child from escaping. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2151.351 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2151.351. (A) Except as provided in division (B) of 11
this section, restraints shall be removed from an alleged or 12
adjudicated delinquent child prior to the commencement of a 13
juvenile court hearing or proceeding concerning the child. 14

(B) Restraints may be placed on an alleged or adjudicated 15
delinquent child during a juvenile court hearing or proceeding 16
if the court determines that restraints are necessary for either 17

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| <u>of the following:</u> | 18 |
| <u>(1) To prevent physical harm to the child or another</u> | 19 |
| <u>person;</u> | 20 |
| <u>(2) To prevent the child from fleeing or attempting to</u> | 21 |
| <u>flee the hearing or proceeding.</u> | 22 |
| <u>(C) The presiding juvenile court judge shall determine</u> | 23 |
| <u>whether to place restraints on an alleged or adjudicated</u> | 24 |
| <u>delinquent child in a juvenile court hearing or proceeding.</u> | 25 |
| <u>(D) The juvenile court may consider on a case-by-case</u> | 26 |
| <u>basis a motion brought by a juvenile court prosecutor or law</u> | 27 |
| <u>enforcement officer requesting the court to place an alleged or</u> | 28 |
| <u>adjudicated delinquent child in restraints during a juvenile</u> | 29 |
| <u>court hearing or proceeding.</u> | 30 |
| <u>(E) As used in this section, "restraints" means handcuffs,</u> | 31 |
| <u>chains, irons, or other devices used to restrain a person's</u> | 32 |
| <u>movements.</u> | 33 |