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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 712, L.D. 1029, Bill, “An Act To Improve Maine's Juvenile Justice System”

Amend the bill in section 1 in paragraph A in the 10th line (page 1, line 13 in L.D.) by striking out the following: "Whenever possible and appropriate, the" and inserting the following: 'The'

Amend the bill by striking out all of sections 2 to 4 and inserting the following:

'Sec. 2. 15 MRSA §3306-B is enacted to read:

§3306-B. Physical restraints in the courtroom

1. Physical restraints prohibited absent court order. A juvenile may not be brought before the court wearing any physical restraints, except when ordered by the court during or prior to the juvenile's court appearance.

2. Determination by the court. If the State, the transporting agency, the judicial marshal or other designated court security informs the juvenile or the attorney for the juvenile of intent to use physical restraints during the proceedings and the juvenile or attorney for the juvenile objects the court shall determine whether one or more of the grounds for use of physical restraints listed in subsection 3 exists. The court, on its own motion, may determine whether one or more of the grounds for use of physical restraints listed in subsection 3 exists.

3. Grounds for use of restraints. The court may not order that physical restraints be used on a juvenile during a court proceeding unless the court determines that the use of physical restraints is necessary due to one or more of the following:

A. The present behavior of the juvenile presents a current threat to that juvenile's safety or the safety of others in the courtroom;

B. The present behavior of the juvenile presents a substantial risk of flight from the courtroom;

COMMITTEE AMENDMENT

