

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 212**

Introduced by Chambers, 11.

Read first time January 13, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
- 2 section 43-2,129, Revised Statutes Cumulative Supplement, 2014; to
- 3 prohibit the use of restraints in juvenile court; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) Restraints shall not be used on a juvenile during a  
2 juvenile court proceeding and shall be removed prior to the juvenile's  
3 appearance before the juvenile court unless the juvenile court makes a  
4 finding of probable cause that:

5           (a) The use of restraints is necessary:

6           (i) To prevent physical harm to the juvenile or another person;

7           (ii) Because the juvenile (A) has a history of disruptive courtroom  
8 behavior that has placed others in potentially harmful situations or (B)  
9 presents a substantial risk of inflicting physical harm on himself or  
10 herself or others as evidenced by recent behavior; or

11           (iii) Because the juvenile presents a substantial risk of flight  
12 from the courtroom; and

13           (b) There is no less restrictive alternative to restraints that will  
14 prevent flight or physical harm to the juvenile or another person,  
15 including the presence of court personnel, law enforcement officers, or  
16 bailiffs.

17           (2) The juvenile court shall provide the juvenile, the juvenile's  
18 attorney, or the juvenile's parent or guardian an opportunity to be heard  
19 before ordering the use of restraints.

20           (3) For purposes of this section, restraints includes handcuffs,  
21 chains, irons, and straitjackets.

22           Sec. 2. Section 43-2,129, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24           43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall  
25 be known and may be cited as the Nebraska Juvenile Code.

26           Sec. 3. Original section 43-2,129, Revised Statutes Cumulative  
27 Supplement, 2014, is repealed.