

**SB 846 -1 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 3/28

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**WHAT THE MEASURE DOES:**

Prohibits use of physical restraints on youth in juvenile court proceedings. Prohibits use of physical restraint when transporting youth in legal custody of Department of Human Services. Provides exception to physical restraint prohibition.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Specifies that if restraints cannot be removed before entry of the youth into the courtroom, the restraints must be removed prior to the start of the proceeding and for the duration of the proceeding. Prohibits use of restraints during transport of youth by Department of Human Services (DHS), the Oregon Health Authority (OHA) or their agents.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**BACKGROUND:**

Senate Bill 846 prohibits the use of physical restraints on youth in juvenile court proceedings. It requires removal of restraints before a youth is brought into the courtroom. It allows restraints when the court finds them necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives. It specifies the factors court must consider and the findings it must make in order to allow physical restraints. SB 846 also provides a procedure for a law enforcement agency, juvenile department or other party to the proceeding to request the use of restraints. It specifies that the use of restraints may not be for punishment or convenience.

SB 846 prohibits the use of restraints during transportation of youth who are in the legal custody of the Department of Human Services (DHS), unless it is a secure transportation or restraints are necessary due to an immediate and serious risk of dangerous or disruptive behavior and there are no less restrictive alternatives. SB 846 requires that DHS develop a transportation safety plan before using restraints. Finally, it specifies that restraints may not be used for punishment or convenience.