

SB 846 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser, Sen. Dembrow

Senate Committee On Judiciary

Action Date: 03/28/17
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 5-0-0-0
Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

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

ISSUES DISCUSSED:

- Impact on youth development
- Examples of youth shackling
- Use of shackling in other states

EFFECT OF AMENDMENT:

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.

BACKGROUND:

Senate Bill 846-A 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. If restraints cannot be removed prior to entry into the courtroom, the restraints must be removed prior to the proceeding. 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 the court must consider and the findings it must make in order to allow physical restraints. SB 846-A 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, convenience or as a substitute for staff supervision.

SB 846-A prohibits the use of restraints during transportation of youth who are in the legal custody of the Department of Human Services (DHS), the Oregon Health Authority (OHA) or their agents, 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-A requires that DHS and OHA develop a transportation safety plan before using restraints. Finally, it specifies that restraints may not be used for punishment, convenience or as a substitute for staff supervision.