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SENATE BILL NO. 1255

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 20, 2025)

(Patron Prior to Substitute—Senator Bagby)

A *BILL* to amend the Code of Virginia by adding a section numbered 16.1-276.4, relating to use of restraints on juveniles in court prohibited; exceptions.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 16.1-276.4 as follows:

§ 16.1-276.4. Use of restraints on juveniles in court prohibited; exceptions.

A. As used in this section, "instruments of restraint" includes handcuffs, chains, irons, straightjackets, and electronic restraint devices. "Instruments of restraint" does not include an electronic device used for home electronic monitoring.

B. Instruments of restraint shall not be used on a juvenile during a delinquency proceeding in a juvenile and domestic relations district court unless, upon motion of the attorney for the Commonwealth or on the court's own motion sua sponte, such court orders the use of such restraints prior to such juvenile's appearance in the courtroom pursuant to subsection C.

C. The court may order the use of instruments of restraint on a juvenile upon making a finding that (i) the use of such restraints is necessary (a) to prevent physical harm to such juvenile or another person, (b) because such juvenile has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a clear and substantial threat of serious harm to himself or others as evidenced by recent behavior, or (c) because such juvenile presents a substantial risk of flight from the courtroom and (ii) there are no less restrictive alternatives to such restraints that will prevent flight of or harm to such juvenile or another person, including court personnel or law-enforcement officers.

D. The juvenile shall be entitled to an attorney prior to a hearing on the use of instruments of restraint pursuant to the provisions of this section. The court shall provide the juvenile's attorney an opportunity to be heard before the court orders the use of instruments of restraint pursuant to subsection C, and the juvenile's attorney may waive the juvenile's appearance at such hearing. If such restraints are ordered, the court shall make written findings of fact in support of the order.

SENATE SUBSTITUTE

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