

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2222]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 16.1-276.4 as follows:**8 **§ 16.1-276.4. Use of restraints on juveniles in court prohibited; exceptions.**9 *A. As used in this section, "instruments of restraint" includes handcuffs, chains, irons, straightjackets, and*  
10 *electronic restraint devices. "Instruments of restraint" does not include an electronic device used for home*  
11 *electronic monitoring.*12 *B. Instruments of restraint shall not be used on a juvenile during a delinquency proceeding in a juvenile*  
13 *and domestic relations district court unless, upon motion of the attorney for the Commonwealth or on the*  
14 *court's own motion sua sponte, such court orders the use of such restraints prior to such juvenile's*  
15 *appearance in the courtroom pursuant to subsection C.*16 *C. The court may order the use of instruments of restraint on a juvenile upon making a finding that (i) the*  
17 *use of such restraints is necessary (a) to prevent physical harm to such juvenile or another person, (b)*  
18 *because such juvenile has a history of disruptive courtroom behavior that has placed others in potentially*  
19 *harmful situations or presents a clear and substantial threat of serious harm to himself or others as*  
20 *evidenced by recent behavior, or (c) because such juvenile presents a substantial risk of flight from the*  
21 *courtroom and (ii) there are no less restrictive alternatives to such restraints that will prevent flight of or*  
22 *harm to such juvenile or another person, including court personnel or law-enforcement officers.*23 *D. The juvenile shall be entitled to an attorney prior to a hearing on the use of instruments of restraint*  
24 *pursuant to the provisions of this section. The court shall provide the juvenile's attorney an opportunity to be*  
25 *heard before the court orders the use of instruments of restraint pursuant to subsection C, and the juvenile's*  
26 *attorney may waive the juvenile's appearance at such hearing. If such restraints are ordered, the court shall*  
27 *communicate to the parties the basis of the decision either orally or in writing.*

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