

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 23

Short Title: Restraint/Juvenile in Custody/Ct's Discretion. (Public)

Sponsors: Senators Tillman; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, Clodfelter, Davis, East, Forrester, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Preston, Rand, Rouzer, Snow, Stevens, and Swindell.

Referred to: Judiciary I.

February 3, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE RESTRAINT OF JUVENILES IN
3 THE COURTROOM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-2402.1 reads as rewritten:

6 "§ 7B-2402.1. Restraint of juveniles in courtroom.

7 At any hearing authorized or required by this Subchapter, the judge ~~may~~ may, in his or her
8 discretion, subject a juvenile to physical restraint in the ~~courtroom only when the judge finds~~
9 ~~the restraint to be reasonably necessary to maintain order, prevent the juvenile's escape, or~~
10 ~~provide for the safety of the courtroom. Whenever practical, the judge shall provide the~~
11 ~~juvenile and the juvenile's attorney an opportunity to be heard to contest the use of restraints~~
12 ~~before the judge orders the use of restraints. If restraints are ordered, the judge shall make~~
13 ~~findings of fact in support of the order.~~ courtroom."

14 SECTION 2. This act becomes effective December 1, 2009, and applies to
15 offenses committed on or after that date.

