



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 156

130th General Assembly
(As Introduced)

Reps. Reece, Antonio, Fedor, Heard, Ashford, Sykes

BILL SUMMARY

- Generally requires that restraints be removed from an alleged or adjudicated delinquent child prior to a juvenile court hearing or proceeding concerning the child.
- Provides that restraints may be placed on an alleged or adjudicated delinquent child during a juvenile court hearing or proceeding if the court determines that restraints are necessary to prevent physical harm to the child or another person or to prevent the child from fleeing or attempting to flee.
- Authorizes a juvenile court to consider on a case-by-case basis a motion by a prosecutor or law enforcement officer requesting the court to place restraints on an alleged or adjudicated delinquent child during a hearing or proceeding.

CONTENT AND OPERATION

Restraints on child during delinquency hearings

The bill generally requires that "restraints" (defined below) be removed from an alleged or adjudicated delinquent child prior to the commencement of a juvenile court hearing or proceeding concerning the child. However, restraints may be placed on an alleged or adjudicated delinquent child during a juvenile court hearing or proceeding if the court determines that restraints are necessary: (1) to prevent physical harm to the child or another person, or (2) to prevent the child from fleeing or attempting to flee the hearing or proceeding.¹

¹ R.C. 2151.351(A) and (B).

The presiding juvenile court judge must determine whether to place restraints on an alleged or adjudicated delinquent child in a juvenile court hearing or proceeding. The juvenile court may consider on a case-by-case basis a motion brought by a juvenile court prosecutor or law enforcement officer requesting the court to place an alleged or adjudicated delinquent child in restraints during a juvenile court hearing or proceeding.²

The bill defines "restraints" to mean handcuffs, chains, irons, or other devices used to restrain a person's movements.³

Background

Ohio and federal courts have made the following pronouncements on the use of restraints on criminal defendants during trial:

Ordinarily a prisoner is entitled to appear free of shackles or bonds which would restrict his free movements. It is uniformly held, however, that the prisoner may be shackled when such precaution is shown to be necessary to prevent violence or escape. It lies within the discretion of the trial court to determine such necessity, based upon the conduct of the accused (sic). (Citations omitted.)⁴

All authorities agree that it is prejudicial for a defendant on trial to be shackled in the courtroom. . . . The rule that a prisoner brought into court for trial is entitled to appear free from all bonds or shackles is an important component of a fair and impartial trial. And shackles should never be permitted except to prevent the escape of the accused, to protect everyone in the courtroom, and to maintain order during the trial. . . .

It is also well established that the use of handcuffs and shackles is ordinarily left to the sound discretion of the trial court. . . . And sound discretion has long meant a discretion that is not exercised arbitrarily or willfully, but with regard to what is right and equitable under the circumstances and the law, and directed by the reason and

² R.C. 2151.351(C) and (D).

³ R.C. 2151.351(E).

⁴ *State v. Woodards* (1966), 6 Ohio St.2d 14, 23.

conscience of the judge to a just result. . . . And this requires a knowledge and understanding of the material circumstances surrounding the matter calling for the exercise of sound discretion. (Citations omitted.)⁵

HISTORY

ACTION	DATE
Introduced	05-07-13

H0156-I-130.docx/emr

⁵ *Woodards v. Cardwell* (U.S.C.A. 6th Cir. Ohio 1970), 430 F.2d 978, 982.

