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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: January 25, 2022

Subject: Bill Brief on HB 2471

HB 2471 prohibits the use of restraints during hearings under the revised Kansas juvenile justice code and authorizes exceptions if the court holds a hearing and makes certain findings on the record.

Section 1 would create a new section of law that provides that, except as provided further, restraints shall not be used on a juvenile during a hearing and shall be removed prior to the juvenile's court appearance. The court may authorize the use of restraints if the court holds a hearing and makes a finding on the record that such restraints are the least restrictive means available and are necessary (1) to prevent physical harm to the juvenile or another person; (2) because of a well-founded belief that the juvenile is a substantial flight risk; or (3) because the juvenile has a recent history of disruptive behavior that has placed others at risk of substantial harm.

If an officer of the court or the county or district attorney recommends the use of restraints on a juvenile, notice shall be provided to the court and the juvenile's attorney with specific reasons for the recommendation. The court shall allow the juvenile's attorney to be heard before the court makes a ruling on the use of restraints. If the court orders the use of restraints, the court shall (1) make written findings of fact in support of the order; and (2) only order the least restrictive restraints necessary and allow the juvenile sufficient movement of the hands.

The use of any restraints necessary for security and courtroom decorum shall properly account for the care, protection and positive mental and physical development of the juvenile. A juvenile shall not be restrained to a wall, the floor, another juvenile or furniture during a hearing under any circumstances.

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Section 2 amends K.S.A. 38-2302, which is the definition section for the revised Kansas juvenile justice code. Definitions of “hearing” and “restraints” are added to the code.

Section 3 amends K.S.A. 38-2353, the statute in the code that requires hearings under the code to be open unless the court determines otherwise. This section is amended to remove the definition of a “hearing” because that definition is being moved to the general definition section.