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H.381

Introduced by Representatives Rachelson of Burlington, Morris of  
Bennington, Mrowicki of Putney, and Willhoit of St. Johnsbury  
Referred to Committee on  
Date:  
Subject: Juveniles; shackling during transport  
Statement of purpose of bill as introduced: This bill proposes to limit the use  
of physical restraints on a child in custody to situations when the child is  
uncontrollable and presents a danger to him or herself or others.

An act relating to the use of physical restraints on a juvenile in custody

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 5123 is amended to read:

§ 5123. TRANSPORTATION OF A CHILD; USE OF PHYSICAL

RESTRAINTS

(a) Transportation of a child.

(1) The Commissioner for Children and Families shall ensure that all  
reasonable and appropriate measures consistent with public safety are made to  
transport or escort a child subject to this chapter in a manner that:

~~(1)~~(A) reasonably avoids physical and psychological trauma;

~~(2)~~(B) respects the privacy of the child; and

1           ~~(3)~~(C) represents the least restrictive means necessary for the safety of  
2 the child.

3           ~~(b)~~(2) The Commissioner for Children and Families shall have the  
4 authority to select the person or persons who may transport a child under the  
5 Commissioner's care and custody.

6           ~~(e)~~(3) The Commissioner shall ensure supervisory review of every decision  
7 to transport a child using mechanical restraints. When transportation with  
8 restraints for a particular child is approved, the reasons for the approval shall  
9 be documented in writing.

10           ~~(d) It is the policy of the State of Vermont that mechanical restraints are not~~  
11 ~~routinely used on children subject to this chapter unless circumstances dictate~~  
12 ~~that such methods are necessary.~~

13           **(b) Physical restraints.**

14           **(1) The use of physical restraints on a child is prohibited except to**  
15 **prevent physical harm to the child or another person. This exemption shall**  
16 **exist only if:**

17           **(A) the use of restraints is necessary to prevent physical harm to the**  
18 **child or another person; and**

19           **(B) no less restrictive alternatives exist that will prevent flight or**  
20 **physical harm to the child or another person.**

1           (2) Permissible physical restraints, consisting solely of soft restraints,  
2           shall be used only as provided in subdivision (1) of this subsection. The  
3           restraints shall be removed as soon as the child is controllable. Use of physical  
4           restraints shall be prohibited beyond one-half hour unless a child is being  
5           transported by vehicle and physical restraint is necessary for public safety. If  
6           restraints are placed on a child's hands and feet, the hand and foot restraints are  
7           not to be joined. When in restraints, a child may not be attached to any  
8           furniture or fixture in a room or object in a vehicle, except that the child may  
9           be restrained by a seatbelt.

10       Sec. 2. EFFECTIVE DATE

11           This act shall take effect on July 1, 2017.