

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB212

Hearing Date: Wednesday February 25, 2015
Committee On: Judiciary
Introducer: Chambers
One Liner: Prohibit use of restraints in juvenile courts as prescribed

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	6	Senators Coash, Krist, Morfeld, Pansing Brooks, Seiler, Williams
Nay:		
Absent:	2	Senators Chambers, Ebke
Present Not Voting:		

Verbal Testimony:

Proponents:

SEN. ERNIE CHAMBERS
JULIET SUMMERS
DAVID SHAPIRO
DENNIS MARKS

ELIZABETH NEELEY
VAUGHN CROWELL
GEORGE DUNGAN
MELANIE WILLIAMS-SMOTHERMAN
ROBIN QUARLES

Representing:

INTRODUCER
VOICES FOR CHILDREN
CAMPAIGN AGAINST INDISCRIMINATE SHACKLING
NEBRASKA CRIMINAL DEFENSE ATTORNEYS
ASSOCIATION
NE STATE BAR
SELF
LANCASTER COUNTY PUBLIC DEFENDERS OFFICE
FAMILY ADVOCACY MOVEMENT
SELF

Opponents:

SHAKIL MALIK
WAYNE HUDSON

Representing:

NEBRASKA COUNTY ATTORNEY ASSOCIATION
DOUGLAS COUNTY SHERIFF

Neutral:

Representing:

Summary of purpose and/or changes:

LB212 defines restraints to include handcuffs, chains, irons and straitjackets. The bill would prohibit the use of restraints on a juvenile in a juvenile court proceeding unless the court conducts a hearing and makes a finding of probable cause that restraints are necessary and there is no less restrictive alternative.

Under LB212, the use of restraints would be "necessary" for these listed purposes:

- to prevent harm to the juvenile or another person,
 - because the juvenile has a history of disruptive courtroom behavior that placed others in potentially harmful situations,
 - because the juvenile's recent behavior evidences a substantial risk of physical harm to himself or others, or
 - because the juvenile presents a substantial risk of flight from the courtroom.
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