



**Colorado  
Legislative  
Council  
Staff**

**HB16-1331**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated March 11, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0959  
**Prime Sponsor(s):** Rep. Lontine  
Sen. Merrifield

**Date:** April 13, 2016  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** POLICIES ON JUVENILE SHACKLING IN COURT

Fiscal Impact Summary	FY 2015-16 <i>(current year)</i>	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Potential minimal workload increase.		
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing potential minimal workload increase.			

**Summary of Legislation**

The **reengrossed** bill mandates that restraints—including handcuffs, chains, shackles, irons, or a straight jacket—must be taken off of a juvenile before a court proceeding, unless the court determines on the record that restraints are necessary to prevent:

- physical harm to the juvenile or another person;
- disruptive courtroom behavior by the juvenile; or
- the juvenile from fleeing the courtroom.

The juvenile must be restrained if he or she is being held for a class 1 or 2 felony or for escape or attempted escape, unless the court finds on the record that restraints are unnecessary.

The prosecution, sheriff, or any other detention or pretrial personnel may request that a juvenile be restrained in the courtroom based on the above criteria. The court must allow the juvenile's attorney a fair opportunity to be heard before allowing the use of restraints. Any restraints must allow a juvenile to move his or her hands to read and handle documents necessary to the hearing. At no point may a juvenile be chained or tied to a wall, floor, or furniture.

**State Expenditures**

Starting in the current FY 2015-16, the bill may increase workload for guardians ad litem in the Office of the Child's Representative, the Office of the State Public Defender, the Office of the Alternate Defense Counsel, and for trial courts in the Judicial Department to conduct and participate in hearings concerning the use of restraints on juveniles. Although the bill codifies

current practice in some judicial districts, other districts may have to update their practices. Any increase in workload in these departments is expected to be minimal and can be accomplished within existing appropriations.

## **Local Government Impact**

The bill may increase workload for local governments, as sheriffs or district attorneys may be required to participate in hearings requesting that juveniles be shackled in court. Any increase in workload is anticipated to be minimal.

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

Human Services

Information Technology

Judicial