

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: January 26, 2022  
Subject: Bill Brief for SB 321

Senate Bill 321 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.

The bill adds a new section of law to the revised Kansas juvenile justice code to prohibit the use of restraints on a juvenile during a hearing, with certain exceptions, and require restraints to be removed prior to the juvenile's appearance before the court. 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 for any of the following reasons: (1) To prevent physical harm to the juvenile or another person during the hearing; (2) a well-founded belief that the juvenile is a substantial flight risk; or (3) the juvenile has a recent history of disruptive behavior that has placed others at risk of substantial physical harm. The court shall allow the juvenile's attorney and, if applicable, an officer or attorney recommending the use of restraints to be heard before the court makes a ruling on the use of restraints. If the court orders the use of restraints on a juvenile, the court shall make written findings of fact in support of such order, only order the least restrictive restraints necessary, and allow the juvenile sufficient movement of the hands to be able to read and handle documents and writings necessary to the hearing.

Section 2 amends K.S.A. 38-2302, the definitions section for the revised Kansas juvenile justice code, to add definitions of "hearing" and "restraints". "Hearing" means any court proceeding held under this code, including detention, first appearance, adjudicatory, dispositional and sentencing hearings. "Restraints" means handcuffs, leg shackles, leg irons, belly belts, belly chains or other restraint devices used to restrict a juvenile's free movement of limbs or appendages, including those made of cloth and leather. Finally, Section 3 amends K.S.A. 38-2353 to remove a definition of "hearings" that would no longer be needed.