

HB0497/133728/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 497  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Stewart**” and substitute “**Delegates Stewart, Crutchfield, Tomlinson, Pasteur, Toles, Schmidt, Simmons, Phillips, Stinnett, Taylor, Simpson, Grammer, Sample-Hughes, Conaway, and Kaufman**”.

AMENDMENT NO. 2

On page 3, in line 7, strike “**YOUTH**” and substitute “**CHILDREN**”.

On page 4, in line 2, strike “**PERSON**” and substitute “**CHILD**”; strike beginning with “**SUBJECT**” in line 5 down through the comma in line 6 and substitute “**WHEN THE FINAL INTENDED DESTINATION IS A RESIDENTIAL CHILD CARE PROGRAM AND SUBJECT TO SUBSECTION (B) OF THIS SECTION,**”; in line 8, strike “**OR**”; in line 9, strike “**PHYSICAL**” and substitute “**MECHANICAL**”; in line 11, after “**ITEMS**” insert “**;**  
**OR**

**(3) PHYSICAL RESTRAINTS, INCLUDING HOLDS, OR OTHER USE OF PHYSICAL FORCE TO RESTRICT FREE MOVEMENT**;

strike beginning with “**AN**” in line 12 down through “**BEHAVIOR**” in line 13 and substitute “**A SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO A CHILD OR OTHERS**”; strike beginning with “**IMMEDIATE**” in line 15 down through “**BEHAVIOR**” in line 16 and substitute “**SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO THE CHILD OR OTHERS**”; after line 23, insert:

“(3) IF RESTRAINTS ARE NECESSARY DUE TO A SUBSTANTIAL LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL HARM TO A CHILD OR OTHERS, THE RESTRAINTS MAY BE USED ONLY AS LONG AS THE IMMINENT RISK PERSISTS.”;

in line 24, strike “A” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN THE FINAL INTENDED DESTINATION IS A RESIDENTIAL CHILD CARE PROGRAM, A”; and after line 26, insert:

“(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A YOUTH TRANSPORTATION COMPANY UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES.”.

On page 5, in line 10, strike “AND (3)” and substitute “THROUGH (4)”; in line 15, strike “AND”; after line 15, insert:

“(II) COMPENSATORY DAMAGES;

(III) STATUTORY DAMAGES UP TO \$500 PER VIOLATION; AND”;

in line 16, strike “(II)” and substitute “(IV)”; in the same line, after “RESTITUTION” insert “OR DAMAGES”.

On page 5, strike beginning with “IF” in line 18 down through “PARTY.” in line 21 and substitute “AN ACTION BROUGHT UNDER THIS SECTION SHALL BE FILED WITHIN 10 YEARS AFTER THE DATE THAT THE VICTIM REACHES THE AGE OF MAJORITY.”

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.”;

and in line 22, strike “2.” and substitute “3.”.