WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 634

BY SENATORS CAPUTO, STOLLINGS, LINDSAY, BEACH,

BALDWIN, ROMANO, WOODRUM, RUCKER, AND WOELFEL

[Passed April 7, 2021; in effect 90 days from passage

(July 6, 2021)]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

2   designated §30-29-5a, relating to criminal justice training for law-enforcement officers and

3   correction officers regarding individuals with autism spectrum disorders; development of

4   course instruction; defining terms; providing for training in appropriate interactions with

5   individuals with autism spectrum disorder; and authorizing the Law-Enforcement

6   Professional Standards Subcommittee to develop guidelines for law-enforcement and

7   correction officer response to individuals on the autism spectrum who are victims or

8   witnesses to a crime, or suspected or convicted of a crime.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5a. Criminal justice training regarding individuals with autism spectrum disorders.

1   (a) The Law-Enforcement Special Standards Subcommittee may establish within the basic

2 training curriculum, a course for law-enforcement training programs for the training of law-

3 enforcement officers and correction officers in appropriate interactions with individuals with autism

4 spectrum disorders, and may develop guidelines for law enforcement response to individuals on

5 the autism spectrum who are victims or witnesses to a crime, or suspected or convicted of a crime.

6   (b) The course of instruction and the guidelines shall be developed and delivered by the

7 West Virginia Autism Training Center, located at Marshall University. This course of instruction

8 may stress positive responses to such individuals, de-escalate potentially dangerous situations,

9 provide an understanding of the different manner in which such individuals process sensory

10 stimuli and language, social communication and language difficulties likely to affect interaction,

11 and appropriate methods of interrogation. Training instructors shall always include adults with

12 autism spectrum disorders and/or a parent or primary caretaker of an individual diagnosed with

13 autism spectrum disorder.

14   (c) As used in this section:

15   (1) "Agency" means the ability to make independent decisions and act in one's own best

16   interests;

17   (2) "Autism spectrum disorder" means a developmental disability characterized by

18   persistent and significant deficits in social communication, social interaction, communication, and

19   behavior, and may include the diagnosis of pervasive developmental disorder, not otherwise

20   specified, autistic disorder, and Asperger's Syndrome as defined in the Diagnostic and Statistical

21   Manual of Mental Disorders of the American Psychiatric Association;

22   (3) "Law-enforcement officer" means any officer of any West Virginia law-enforcement

23   agency or any state institution of higher education; and

24   (4) "Training instructors" means professional experts, autistic adults, and/or the family

25   member or primary caregiver of an autistic individual who deliver instruction and information.

26   (d) The course of basic training for law-enforcement officers and correction officers may

27   include at least three hours of instruction in the procedures and techniques described in this

28   subsection:

29   (1) The nature and manifestation of autism spectrum disorders;

30   (2) Appropriate techniques for interviewing or interrogating an individual on the autism

31   spectrum, including techniques to ensure the legality of statements made, and techniques to

32   protect the rights of the interviewee;

33   (3) Techniques for locating an individual on the autism spectrum who runs away and is in

34   danger, and returning the individual while causing as little stress as possible to the individual;

35   (4) Techniques for recognizing an autistic individual's agency while identifying potential

36   abusive or coercive situations;

37   (5) Techniques for de-escalating a potentially dangerous situation to maximize the safety

38   of both the law-enforcement officer or correction officer and the autistic individual;

39   (6) Techniques for differentiating between an individual on the autism spectrum from an

40   individual who is belligerent, uncooperative, or otherwise displaying traits similar to the

41   characteristics of an autistic individual;

42   (7) Procedures to identify and address challenges related to the safety and well-being of

43   autistic individuals in a correctional facility; and

44   (8) The impact of interaction with law-enforcement officers or correction officers on autistic

45   individuals.

46   (e) All law-enforcement recruits may receive the course of basic training for law-

47   enforcement officers, established in this section, as part of their required certification process.

48   The course of basic training for law-enforcement officers may be taught as part of the "crisis

49   intervention and conflict resolution" and "people with special needs" components of the training.

50   (f) All correction officer recruits may receive the course of basic training for correction

51   officers, established in this section, as part of their required certification process.

52   (g) The Commissioner of the Division of Corrections and Rehabilitation periodically may

53   include within the in-service training curriculum a course of instruction on individuals with autism

54   spectrum disorder consistent with this section.

55   (h) The Law-Enforcement Professional Standards Subcommittee periodically may include

56   within its in-service training curriculum, a course of instruction on individuals with autism spectrum

57   disorder consistent with this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of ...., 2021.

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Governor