

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 634

BY SENATORS CAPUTO, STOLLINGS, LINDSAY, BEACH,
BALDWIN, ROMANO, WOODRUM, RUCKER, AND WOELFEL

[Originating in the Committee on the Judiciary;

reported on March 25, 2021]

1 A BILL 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.