

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2795

BY DELEGATES GRIFFITH, ROWE, HORNBUCKLE, BATES,
BARACH, DOYLE, PUSHKIN, ROHRBACH, EVANS, HANSEN
AND ELLINGTON

[Introduced March 01, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

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 regarding individuals with autism
3 spectrum disorders; providing for training in appropriate interactions with individuals with
4 autism spectrum disorder; and requiring the Law-Enforcement Professional Standards
5 subcommittee to develop guidelines for law-enforcement and correction officer response
6 to individuals on the autism spectrum who are victims or witnesses to a crime, or
7 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 shall establish within the basic
2 training curriculum a course for law-enforcement training programs on or before January 1, 2022,
3 for the training of law-enforcement officers and correction officers in appropriate interactions with
4 individuals with autism spectrum disorders, and shall develop guidelines for law enforcement
5 response to individuals on the autism spectrum who are victims or witnesses to a crime, or
6 suspected or convicted of a crime.

7 (b) The course of instruction and the guidelines shall be developed and delivered by the
8 West Virginia Autism Training Center, located at Marshall University, stress positive responses to
9 such individuals, de-escalating potentially dangerous situations, understanding of the different
10 manner in which such individuals process sensory stimuli and language, social communication
11 and language difficulties likely to affect interaction, and appropriate methods of interrogation.
12 Training instructors shall always include adults with autism spectrum disorders and/or a parent or
13 primary caretaker of an individual diagnosed with autism spectrum disorder.

14 (c) As used in this section:

15 (1) "Law-enforcement officer" means any officer of any West Virginia law-enforcement
16 agency or by any state institution of higher education.

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 pervasive developmental disorder, not otherwise
20 specified, autistic disorder, and Asperger’s Disorder as defined in current or future versions of the
21 Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

22 (3) “Agency” means the ability to make independent decisions and act in one’s own best
23 interests.

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 shall,
27 no later than January 1, 2022, include at least three hours of instruction in the procedures and
28 techniques described below:

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 legality of statements made, and techniques to protect
32 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 said 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 wellbeing of

43 autistic individuals in a correctional facility.

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

46 (e) All law-enforcement recruits shall 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 shall be taught as part of the “crisis
49 intervention and conflict resolution” and “people with special needs” components of training.

50 (f) All correction officer recruits shall receive the course of basic training for correction
51 officers, established in this section, as part of their required certification process. The
52 Commissioner of Corrections periodically may include within the in-service training curriculum a
53 course of instruction on individuals with autism spectrum disorder consistent with this section.

54 (g) The Law-Enforcement Professional Standards subcommittee periodically may include
55 within its in-service training curriculum a course of instruction on individuals with autism spectrum
56 disorder consistent with this section.

NOTE: The purpose of this bill is to require that law-enforcement officers and correction officers be trained in appropriate interactions with individuals with autism spectrum disorders, and to require the Law-Enforcement Professional Standards subcommittee to develop guidelines for law-enforcement and correction officer response to individuals on the autism spectrum who are victims or witnesses to a crime, or suspected or convicted of a crime.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.