

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 936

INTRODUCER: Criminal Justice Committee and Senator Ring

SUBJECT: Criminal Justice System Interviews of Persons with Autism, an Autism Spectrum Disorder, or a Related Developmental Disability

DATE: February 2, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 936 encourages the use of state-of-the-art digital devices to assist law enforcement, correctional, or other public safety officials in quickly identifying individuals who have been diagnosed with autism, an autism spectrum disorder, or a related developmental disability and notifying the family members, caregivers, and primary intervention professionals of these individuals when a crisis occurs.

The bill provides that unless extenuating circumstances exist, a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, speech therapist, or related professional, that have experience in treating, teaching, or assisting persons with autism, an autism spectrum disorder, or a related developmental disability be present to assist law enforcement and other public safety officials whether the individual being interviewed is the victim of a crime, the suspect in a crime, or the defendant formally accused of a crime. It provides for law enforcement officers or other public safety officers to document the interview in writing when a professional is not available and make a professional available as soon as practicable. It provides that the cost of the professional shall be borne by the individual.

II. Present Situation:

The Center for Disease Control (CDC) estimates that 1 in 68 children have been identified with Autism Spectrum Disorder (ASD).¹ The CDC defines “Autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. Though there is nothing about how ASD people look that sets them apart from other people, the CDC states that people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The range of abilities of people with ASD can span from gifted to severely challenged.²

Though formerly diagnosed separately, autistic disorder, pervasive developmental disorder, and Asperger syndrome are now included in the diagnosis of ASD.³

The following definitions are codified in Florida law:

“Autism” is defined as a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.⁴

“Developmental disability” is defined as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.⁵

“Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

1. Autistic disorder;
2. Asperger’s syndrome; and
3. Pervasive developmental disorder not otherwise specified.⁶

III. Effect of Proposed Changes:

The bill, cited the act as the “Wes Kleinert Fair Interview Act,” encourages the use of state-of-the-art digital devices, such as bracelets, necklaces, and pocket cards that are similar to those kept upon the person of individuals who have certain medical conditions or age-related disabilities, to assist law enforcement, correctional, or other public safety officials and other

¹ Data from the Autism and Developmental Disabilities Monitoring (ADDM) Network. <http://www.cdc.gov/ncbddd/autism/research.html> (last visited January 26, 2016).

² <http://www.cdc.gov/ncbddd/autism/facts.html> (last visited January 26, 2016).

³ Id.

⁴ Section 393.063(3), F.S.

⁵ Section 393.063(9), F.S.

⁶ Sections 627.6686(2)(b) and 641.31098(2), F.S.

concerned persons in quickly identifying individuals who have been diagnosed with autism, an autism spectrum disorder, or a related developmental disability and notifying the family members, caregivers, and primary intervention professionals of these individuals when a crisis occurs.

The bill provides that unless extenuating circumstances exist, a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, speech therapist, or related professional, that have experience in treating, teaching, or assisting persons with autism, an autism spectrum disorder, or a related developmental disability be present to assist law enforcement and other public safety officials whether the individual being interviewed is the victim of a crime, the suspect in a crime, or the defendant formally accused of a crime. It provides for law enforcement officers or other public safety officers to document the interview in writing when a professional is not available and make a professional available as soon as practicable. It provides that the cost of the professional shall be borne by the individual.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Without quantifiable data this bill could have an indeterminate impact.

VI. Technical Deficiencies:

The bill does not provide a statute reference for the language of the bill.

The bill requires law enforcement officers to have a specified professional present for interview of an individual with a specified disorder, but does not specify what types of interviews this

requirement applies to. Additionally, the bill does not specify what options a law enforcement officer has available in an emergency situation involving an individual with a specified disorder.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill does not include sections of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 1, 2016:

The Committee Substitute includes speech therapists in the list of trained professionals that can be present to assist law enforcement and other public safety officials whether the individual being interviewed is the victim of a crime, the suspect in a crime, or the defendant formally accused of a crime. It provides for law enforcement officers or other public safety officers to document the interview in writing when a professional is not available and make a professional available as soon as practicable. It provides that the cost of the professional shall be borne by the individual.

- B. **Amendments:**

None.