

1                                   A bill to be entitled  
 2           An act relating to interviews of victims, suspects, or  
 3           defendants with autism spectrum disorder; providing a  
 4           short title; creating s. 943.0439, F.S.; providing  
 5           definitions; requiring a qualified professional or a  
 6           relative or caretaker of certain individuals to assist  
 7           a law enforcement officer, correctional officer, or  
 8           other public safety official during interviews in  
 9           specified circumstances; providing responsibility for  
 10          payment of related expenses; prohibiting the failure  
 11          to have a qualified professional, relative, or  
 12          caretaker present from serving as a basis for  
 13          specified actions; requiring agencies to develop and  
 14          implement appropriate policies and procedures and  
 15          provide training; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. This act may be cited as the "Wes Kleinert Fair  
 20 Interview Act."

21           Section 2. Section 943.0439, Florida Statutes, is created  
 22 to read:

23           943.0439 Interviews of victims, suspects, or defendants  
 24 with autism spectrum disorder.—

25           (1) As used in this section, the term:

26           (a) "Autism spectrum disorder" has the same meaning as

27 provided in s. 627.6686.

28 (b) "Conviction" means a finding of guilt or the  
29 acceptance of a plea of guilty or nolo contendere, regardless of  
30 whether adjudication is withheld.

31 (c) "Correctional officer" has the same meaning as  
32 provided in s. 943.10.

33 (d) "Law enforcement officer" has the same meaning as  
34 provided in s. 943.10.

35 (e) "Qualified professional" means a mental health  
36 counselor, behavioral therapist, or related professional with  
37 professional experience in teaching, treating, or caring for  
38 patients or clients with autism spectrum disorder or a similar  
39 disorder, or a psychiatrist or psychologist.

40 (2) A law enforcement officer, correctional officer, or  
41 other public safety official shall make a good faith effort to  
42 ensure that a qualified professional or a relative or caretaker  
43 of an individual who has been diagnosed with autism spectrum  
44 disorder is present at all interviews of such individual, if:

45 (a) The presence of a qualified professional, relative, or  
46 caretaker is practicable;

47 (b) The law enforcement officer, correctional officer, or  
48 other public safety official knows or should know that the  
49 individual has been diagnosed with autism spectrum disorder; and

50 (c) The individual is a victim, suspect, or defendant  
51 formally accused of a crime.

52 (3) All expenses related to the attendance of a qualified

53 professional at an interview shall be borne by the individual  
54 who has been diagnosed with autism spectrum disorder or the  
55 parent or guardian of such individual. If the individual is a  
56 victim, the defendant shall reimburse the victim for all  
57 expenses related to the attendance of the qualified professional  
58 at the interview, in addition to other restitution or penalties  
59 provided by law, upon conviction of the offense for which the  
60 individual is a victim.

61 (4) Failure to have a qualified professional, relative, or  
62 caretaker present as provided by this section is not a basis for  
63 suppression of the statement or the contents of the interview or  
64 for a cause of action against a law enforcement officer,  
65 correctional officer, or other public safety official, or an  
66 agency employing such officer or official.

67 (5) Each agency employing law enforcement officers,  
68 correctional officers, or other public safety officials must  
69 develop appropriate policies and procedures for implementation  
70 of this section and provide training to its officers and  
71 officials.

72 Section 3. This act shall take effect July 1, 2016.