



479128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2016	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as "The Wes Kleinert Fair
Interview Act."

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

943.0439 Interviews of victims, suspects, or defendants
with autism or an autism spectrum disorder.—A law enforcement



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11 officer, a correctional officer, or another public safety
12 official shall, upon the request of an individual diagnosed with
13 autism or an autism spectrum disorder or his or her parent or
14 guardian, make a good faith effort to ensure that a
15 psychiatrist, psychologist, mental health counselor, special
16 education instructor, clinical social worker, or related
17 professional is present at all interviews of the individual. The
18 professional must have experience treating, teaching, or
19 assisting patients or clients who have been diagnosed with
20 autism or an autism spectrum disorder or related developmental
21 disability or must be certified in special education with a
22 concentration focused on persons with autism or an autism
23 spectrum disorder. All expenses related to the attendance of the
24 professional at interviews shall be borne by the requesting
25 parent, guardian, or individual. Failure to have a professional
26 as defined by this subsection present at the time of the
27 interview is not a basis for suppression of the statement or the
28 contents of the interview or for a cause of action against the
29 law enforcement officer or agency. This subsection applies to
30 such an individual who is the victim, a suspect, or a defendant
31 formally accused of a crime.

32 (2) Each law enforcement agency must ensure that
33 appropriate policies are developed which implement this section
34 and that training is provided to its law enforcement and
35 correctional officers based on those policies.

36 Section 3. This section shall take effect July 1, 2016.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



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40 Delete everything before the enacting clause
41 and insert:

42 A bill to be entitled
43 An act relating to criminal justice system interviews
44 of individuals with autism or an autism spectrum
45 disorder; providing a short title; creating s.
46 943.0439, F.S.; requiring a law enforcement officer,
47 correctional officer, or another public safety
48 official to make a good faith effort, upon the request
49 of a parent, a guardian, or the individual, to ensure
50 that specified professionals are present at all
51 interviews of an individual diagnosed with autism or
52 an autism spectrum disorder; providing specifications
53 for the professional; specifying that the parent,
54 guardian, or individual bears the expense of hiring
55 the professional; specifying that not having a
56 professional present is not a basis for suppressing
57 statements or for bringing a cause of action;
58 providing applicability; requiring law enforcement
59 agencies to develop and implement appropriate policies
60 and provide training; providing an effective date.