

HOUSE No. 2351

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to police interactions with persons on the autism spectrum.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/13/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/26/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/1/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/2/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/6/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/6/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/7/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/7/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/13/2023</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/15/2023</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/15/2023</i>

<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/21/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/22/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/23/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/1/2023</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>3/6/2023</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>3/22/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>4/1/2023</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>4/25/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>6/4/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/7/2023</i>

HOUSE No. 2351

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 2351) of Kay Khan and others relative to police training in appropriate interactions with persons on the autism spectrum and other intellectual and developmental disabilities. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2531 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act relative to police interactions with persons on the autism spectrum.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
2 116I the following section:-

3 Section 116I ½. (a) For the purposes of this section, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:-

5 “Agency”, the ability to make independent decisions and act in one’s own best interests.

6 “Autism spectrum”, a disorder or disability on the autism spectrum, including but not
7 limited to: autistic disorder, Asperger's disorder, pervasive developmental disorder - not
8 otherwise specified, childhood disintegrative disorder, nonverbal learning disorder or Rhett's

9 Syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of the
10 American Psychiatric Association.

11 “Correction officer”, any officer employed by a correctional facility who is tasked with
12 the custody, care or transport of incarcerated or detained persons.

13 “Correctional facility”, as defined in section 1 of chapter 125.

14 “Intellectual and developmental disabilities”, an intellectual or developmental disability,
15 as defined in the most recent edition of the Diagnostic and Statistical Manual of the American
16 Psychiatric Association.

17 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
18 agency, including, but not limited to: a city, town or district police department, the office of
19 environmental law enforcement, the University of Massachusetts police department, the
20 department of the state police, the Massachusetts Port Authority police department, also known
21 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
22 Authority police department; (ii) a sheriff’s department in its performance of police duties and
23 functions; or (iii) a public or private college, university or other educational institution or
24 hospital police department.

25 “Law enforcement officer” or “officer”, any officer of an agency, including the head of
26 the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter
27 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and
28 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police
29 duties and functions; a constable executing an arrest for any reason; or any other special, reserve
30 or intermittent police officer.

31 (b) The municipal police training committee shall establish an in-service training
32 curriculum on or before January 1, 2024 for the training of law enforcement officers and
33 correction officers in appropriate interactions with persons on the autism spectrum and persons
34 with other intellectual and developmental disabilities; provided, that this training shall not
35 increase the currently required hours of in-service training. The municipal police training
36 committee shall develop guidelines for law enforcement response to persons on the autism
37 spectrum and persons with other intellectual and developmental disabilities who are victims or
38 witnesses to a crime, or suspected or convicted of a crime. The course of instruction and the
39 guidelines shall emphasize: (1) positive responses to persons on the autism spectrum and persons
40 with other intellectual and developmental disabilities, (2) de-escalating potentially dangerous
41 situations, (3) understanding of the different manner by which persons on the autism spectrum
42 and persons with other intellectual and developmental disabilities process sensory stimuli and
43 language and (4) appropriate methods of interrogation. The training shall address the best
44 practices for interactions with the broad range of persons on the autism spectrum and persons
45 with other intellectual and developmental disabilities, including those with intersecting
46 marginalized identities.

47 The training presenters shall include presentations from adults on the autism spectrum.
48 Where appropriate, the training presenters shall also include experts on autism spectrum
49 disorders who also have expertise in the law enforcement or correction field.

50 (c) The in-service training for law enforcement officers and correction officers shall
51 include not less than 2 hours of instruction in the procedures and techniques described below:

52 (1) The nature and manifestations of autism spectrum disorders and other intellectual and
53 developmental disabilities.

54 (2) Appropriate techniques for interviewing or interrogating persons on the autism
55 spectrum and persons with other intellectual and developmental disabilities, including techniques
56 to ensure legality of statements made, and techniques to protect the rights of the interviewee.

57 (3) Techniques for locating persons on the autism spectrum and persons with other
58 intellectual and developmental disabilities who runs away and are in danger, and returning the
59 person while causing as little stress as possible to the person.

60 (4) The legal duties imposed on police officers to offer protection and assistance,
61 including guidelines for making felony and misdemeanor arrests, and appropriate techniques for
62 arrest and restraint of persons on the autism spectrum and persons with other intellectual and
63 developmental disabilities.

64 (5) Techniques for de-escalating a potentially dangerous situation to maximize the safety
65 of both: (i) law enforcement officers or correction officers and (ii) persons on the autism
66 spectrum and persons with other intellectual and developmental disabilities.

67 (6) Techniques for differentiating between persons on the autism spectrum and persons
68 with other intellectual and developmental disabilities from a person who is belligerent,
69 uncooperative or otherwise displaying traits similar to the characteristics of a person on the
70 autism spectrum and persons with other intellectual and developmental disabilities.

71 (7) Procedures to ensure the safety and wellbeing of persons on the autism spectrum and
72 persons with other intellectual and developmental disabilities in a correctional facility.