

Senate Bill 408

By: Senator Jackson of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding law enforcement officers and agencies, so as to require that a
3 mental or behavioral health professional be present at any law enforcement officer's
4 interview of an individual with autism or an autism spectrum disorder in certain
5 circumstances; to require policies of law enforcement agencies; to provide that violations of
6 such requirements shall not be the basis for suppression of evidence or a cause of action; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
11 provisions regarding law enforcement officers and agencies, is amended by adding a new
12 Code section to read as follows:

13 "35-1-22.

14 (a) Any law enforcement officer, including, but not limited to, correctional officers, shall,
15 upon the request of an individual with autism or an autism spectrum disorder or his or her
16 parent or legal guardian, make a good faith effort to ensure that a psychiatrist, psychologist,
17 mental health counselor, special education instructor, clinical social worker, or any other
18 related mental or behavioral health professional is present at an interview of such
19 individual. Each state, county, and local law enforcement agency shall develop appropriate
20 policies for the implementation of this subsection.

21 (b) The failure to have a mental or behavioral health professional in an interview of an
22 individual with autism or an autism spectrum disorder as provided for in subsection (a) of
23 this Code section shall not be a basis for the suppression of any statement or content as a
24 result of such interview and shall not be the basis of a cause of action against a law
25 enforcement officer or a law enforcement agency."

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.