

114TH CONGRESS
1ST SESSION

S. 163

To establish a grant program to help State and local law enforcement agencies reduce the risk of injury and death relating to the wandering characteristics of some children with autism and other disabilities.

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2015

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program to help State and local law enforcement agencies reduce the risk of injury and death relating to the wandering characteristics of some children with autism and other disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Avonte’s Law Act of
5 2015”.

1 **SEC. 2. GRANT PROGRAM TO REDUCE INJURY AND DEATH**
 2 **RELATING TO THE WANDERING AND SAFETY**
 3 **OF INDIVIDUALS WITH DISABILITIES.**

4 Title I of the Omnibus Crime Control and Safe
 5 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
 6 by adding at the end the following:

7 **“PART LL—GRANT PROGRAM TO REDUCE IN-**
 8 **JURY AND DEATH RELATING TO THE WAN-**
 9 **DERING AND SAFETY OF INDIVIDUALS WITH**
 10 **DISABILITIES**

11 **“SEC. 3021. PROGRAM AUTHORIZED.**

12 “(a) IN GENERAL.—The Attorney General may make
 13 grants to law enforcement agencies to—

14 “(1) reduce the risk of injury and death relat-
 15 ing to the wandering characteristics of some individ-
 16 uals with autism and other disabilities; and

17 “(2) safeguard the well-being of individuals
 18 with disabilities during interactions with law enforce-
 19 ment.

20 “(b) USES OF FUNDS.—A grant awarded under this
 21 section shall be—

22 “(1) distributed directly to a law enforcement
 23 agency; and

24 “(2) used to—

1 “(A) provide education and resources to
2 law enforcement agencies, first responders,
3 schools, clinicians, and the public in order to—

4 “(i) reduce the risk of wandering by
5 individuals with autism or other disabili-
6 ties;

7 “(ii) help to identify signs of abuse in
8 individuals with autism or other disabili-
9 ties;

10 “(iii) increase personal safety and sur-
11 vival skills for individuals with autism or
12 other disabilities; and

13 “(iv) facilitate effective communica-
14 tion with individuals who have communica-
15 tion-related disabilities, including the use
16 of assistive communication techniques and
17 technology;

18 “(B) provide training and emergency pro-
19 tocols for school administrators, staff, and fam-
20 ilies;

21 “(C) provide response tools and training
22 for law enforcement and search-and-rescue
23 agencies, including—

24 “(i) tracking technology;

25 “(ii) reverse 911 technology;

1 “(iii) assistive communication tech-
2 nology;

3 “(iv) Endangered Missing Advisories;
4 and

5 “(v) Federal search-and-rescue guide-
6 lines for special needs children; or

7 “(D) provide response tools and training to
8 law enforcement agencies in order to recognize
9 and respond to individuals with intellectual and
10 developmental disabilities.

11 “(c) STANDARDS AND BEST PRACTICES FOR USE OF
12 TRACKING DEVICES.—

13 “(1) ESTABLISHMENT.—

14 “(A) IN GENERAL.—Not later than 120
15 days after the date of enactment of this part,
16 the Attorney General, in consultation with the
17 Secretary of Health and Human Services and
18 leading research, advocacy, self-advocacy, and
19 service organizations, shall establish standards
20 and best practices relating to the use of track-
21 ing technology to monitor children with autism
22 and other disabilities.

23 “(B) REQUIREMENTS.—In establishing the
24 standards and best practices required under
25 subparagraph (A), the Attorney General—

1 “(i) shall determine—

2 “(I) the criteria used to deter-
3 mine which individuals would benefit
4 from the use of a tracking device; and

5 “(II) who should have direct ac-
6 cess to the tracking system; and

7 “(ii) may establish standards and best
8 practices the Attorney General determines
9 are necessary to the administration of a
10 tracking system, including procedures in
11 order to—

12 “(I) safeguard the privacy of the
13 data used by the tracking device such
14 that—

15 “(aa) access to the data is
16 restricted to agencies determined
17 necessary by the Attorney Gen-
18 eral; and

19 “(bb) use of the data is sole-
20 ly for the purpose of preventing
21 injury or death;

22 “(II) develop criteria to deter-
23 mine whether use of the tracking de-
24 vice is the least restrictive alternative
25 in order to prevent risk of injury or

1 death prior to issuing the tracking de-
2 vice, including the previous consider-
3 ation of less restrictive alternatives;

4 “(III) provide training for law
5 enforcement agencies to recognize
6 signs of abuse in their interactions
7 with applicants;

8 “(IV) protecting the civil rights
9 and liberties of children with disabil-
10 ities who use tracking devices, includ-
11 ing their rights under the Fourth
12 Amendment of the Constitution of the
13 United States;

14 “(V) establish a complaint and
15 investigation process to address—

16 “(aa) incidents of non-
17 compliance by grant recipients
18 with the best practices estab-
19 lished by the Attorney General or
20 other applicable law; and

21 “(bb) use of a tracking de-
22 vice over the objection of a child
23 with a disability; and

24 “(VI) the role which State agen-
25 cies responsible for providing services

1 to children with developmental disabil-
2 ities and State agencies responsible
3 for child protective services should
4 have in the administration of a track-
5 ing system.

6 “(2) REQUIRED COMPLIANCE.—

7 “(A) IN GENERAL.—Each law enforcement
8 agency that receives a grant under this section
9 shall comply with any standards and best prac-
10 tices relating to the use of tracking devices as
11 established by the Attorney General under
12 paragraph (1), in consultation with the Sec-
13 retary of Health and Human Services and lead-
14 ing research, advocacy, self-advocacy, and serv-
15 ice organizations.

16 “(B) DETERMINATION OF COMPLIANCE.—

17 The Attorney General, in consultation with the
18 Secretary of Health and Human Services, shall
19 determine whether a law enforcement agency
20 that receives a grant under this section acts in
21 compliance with the requirement described in
22 paragraph (1).

23 “(3) APPLICABILITY OF STANDARDS AND BEST
24 PRACTICES.—The standards and best practices es-
25 tablished by the Attorney General under paragraph

1 (1) shall apply only to the grant program authorized
2 under this part.

3 **“SEC. 3022. APPLICATIONS.**

4 “To request a grant under section 3021, the head
5 of a law enforcement agency shall submit an application
6 to the Attorney General in such form and containing such
7 information as the Attorney General may reasonably re-
8 quire.

9 **“SEC. 3023. DEFINITIONS.**

10 “In this part—

11 “(1) the term ‘child’ means an individual who
12 is less than 18 years of age;

13 “(2) the term ‘Indian tribe’ has the same mean-
14 ing as in section 4(e) of the Indian Self-Determina-
15 tion and Education Assistance Act (25 U.S.C.
16 450b(e));

17 “(3) the term ‘law enforcement agency’ means
18 an agency of a State, unit of local government, or
19 Indian tribe that is authorized by law or by a gov-
20 ernment agency to engage in or supervise the pre-
21 vention, detection, investigation, or prosecution of
22 any violation of criminal law;

23 “(4) the term ‘State’ means each of the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

1 American Samoa, Guam, and the Northern Mariana
2 Islands; and

3 “(5) the term ‘unit of local government’ means
4 a county, municipality, town, township, village, par-
5 ish, borough, or other unit of general government
6 below the State level.

7 **“SEC. 3024. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out
9 this part \$10,000,000 for each of fiscal years 2016
10 through 2020.”.

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