

LAW ENFORCEMENT PEER COUNSELING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill creates and describes peer support services within law enforcement agencies.

Highlighted Provisions:

This bill:

- ▶ provides for the creation of teams to provide peer support services in law enforcement and emergency agencies;
- ▶ requires that members of the peer support team receive training and be designated as members of a team by the head of the employing agency;
- ▶ provides that information a peer support team member receives from a person when providing peer support services to that person may not be released, except in specified circumstances; and
- ▶ provides definitions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-5-901, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **78B-5-901** is enacted to read:

30 **Part 9. Law Enforcement Peer Counseling Disclosures**

31 **78B-5-901. Law enforcement peer counseling disclosures.**

32 (1) This part is known as "Law Enforcement Peer Counseling Disclosures."

33 (2) As used in this chapter:

34 (a) "Communication" means an oral statement, written statement, note, record, report,
35 or document made during, or arising out of, a meeting between a law enforcement officer or
36 firefighter and a peer support team member.

37 (b) "Emergency medical service provider or rescue unit peer support team member"
38 means a person who is:

39 (i) an emergency medical service provider as defined in Section [26-8a-102](#), a regular or
40 volunteer member of a rescue unit acting as an emergency responder as defined in Section
41 [53-2a-502](#), or another person who has been trained in peer support skills; and

42 (ii) designated by the supervisor of an emergency medical service agency or the chief
43 of a rescue unit as a member of an emergency medical service provider's peer support team or
44 as a member of a rescue unit's peer support team.

45 (c) "Law enforcement or firefighter peer support team member" means a person who
46 is:

47 (i) a peace officer, civilian employee, or volunteer member of a law enforcement
48 agency, a regular or volunteer member of a fire department, or another person who has been
49 trained in peer support skills; and

50 (ii) designated by the ~~Ŝ~~→ **[superintendent]** commissioner ←Ŝ of the ~~Ŝ~~→ **[Utah Highway**
50a **Patrol]** **Department of Public Safety** ←Ŝ , ~~Ŝ~~→ **the executive director of the Department of**
50b **Corrections,** ←Ŝ a sheriff, a police
51 chief, or a fire chief as a member of a law enforcement agency's peer support team or a fire
52 department's peer support team.

53 (d) "Trained" means a person who has successfully completed a peer support training
54 program.

55 (3) (a) A law enforcement or firefighter peer support team member may not be
56 examined during a deposition or trial without the consent of the person to whom the peer
57 support team member has provided services regarding any communication made by the person
58 to the peer support team member under the circumstances described in Subsection (5).

59 (b) A recipient of individual peer support services may not be examined regarding peer
60 support communications without the recipient's consent.

61 (4) (a) An emergency medical service provider or rescue unit peer support team
62 member may not be examined without the consent of the person to whom peer support services
63 have been provided as to any communication made by the person to the peer support team
64 member under the circumstances described in Subsection (5).

65 (b) A recipient of individual peer support services may not be examined regarding peer
66 support communications without the recipient's consent.

67 (5) The provisions of Subsections (3) and (4) apply only to communications made
68 during individual interactions conducted by a peer support team member who is:

69 (a) acting in the member's capacity as a law enforcement or firefighter peer support
70 team member or an emergency medical service provider or rescue unit peer support team
71 member; and

72 (b) functioning within the written peer support guidelines that are in effect for the
73 person's respective law enforcement agency, fire department, emergency medical service
74 agency, or rescue unit.

75 (6) This section does not apply in cases in which:

76 (a) a law enforcement or firefighter peer support team member or emergency medical
77 service provider or rescue unit peer support team member was a witness or a party to an
78 incident that prompted the delivery of peer support services;

79 (b) information received by a peer support team member is indicative of actual or
80 suspected child abuse, or actual or suspected child neglect;

81 (c) due to alcohol or other substance intoxication or abuse, the person receiving peer
82 support is a clear and immediate danger to the person's self or others;

83 (d) there is reasonable cause to believe that the person receiving peer support has a
84 mental illness and, due to the mental illness, is an imminent threat to the person's self or others,
85 or is disabled; or

86 (e) the peer support team member has reasonable cause to believe there is information
87 indicative of any criminal conduct involving the individual receiving the peer support services.

Legislative Review Note
Office of Legislative Research and General Counsel