

PUBLIC SAFETY PEER COUNSELING PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill creates provisions for peer support and counseling services within public safety agencies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the creation of teams to provide peer support and counseling services within public safety agencies;
- ▶ requires that members of the peer support team receive training in accordance with

POST guidelines **→ for law enforcement officers, the State Fire Marshal's Office for firefighters, and the Health Department for all other first responders ←** ; and

- ▶ prohibits the release of information obtained through peer counseling except in specified circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



28 78B-5-901, Utah Code Annotated 1953

29

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

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

32 **Part 9. Public Safety Peer Counseling**

33 **78B-5-901. Public safety peer counseling.**

34 (1) This part is known as "Public Safety Peer Counseling."

35 (2) As used in this chapter:

36 (a) "Communication" means an oral statement, written statement, note, record, report,
 37 or document made during, or arising out of, a meeting between a law enforcement officer,
 38 firefighter, emergency medical service provider, or rescue provider and a peer support team
 39 member.

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

42 (i) an emergency medical service provider as defined in Section 26-8a-102, a regular or
 43 volunteer member of a rescue unit acting as an emergency responder as defined in Section
 44 53-2a-502, or another person who has been trained in peer support skills; and

45 (ii) designated by the chief executive of an emergency medical service agency or the
 46 chief of a rescue unit as a member of an emergency medical service provider's peer support
 47 team or as a member of a rescue unit's peer support team.

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

50 (i) a peace officer, ~~§~~ → **law enforcement dispatcher**, ← ~~§~~ civilian employee, or volunteer

50a member of a law enforcement
 51 agency, a regular or volunteer member of a fire department, or another person who has been
 52 trained in peer support skills; and

53 (ii) designated by the commissioner of the Department of Public Safety, the executive
 54 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
 55 of a law enforcement agency's peer support team or a fire department's peer support team.

56 (d) "Trained" means a person who has successfully completed a peer support training
 57 program approved by Peace Officer Standards and Training Division ~~§~~ → , **the State Fire Marshal's**
 57a **Office, or the Health Department, as applicable** ← ~~§~~ .

58 (3) (a) A law enforcement or firefighter peer support team member may not be

59 compelled to provide information or be examined during a deposition or trial without the
60 consent of the person to whom the peer support team member has provided services regarding
61 any communication made by the person to the peer support team member under the
62 circumstances described in Subsection (5).

63 (b) A peer support team member may not be examined or compelled to provide
64 information regarding peer support communications without the consent of the individual
65 receiving the peer support services.

66 (c) A person who has participated in psychotherapy conducted under the supervision of
67 a person authorized by law to conduct therapy, including group therapy sessions, may not be
68 examined concerning any information disclosed during the course of the therapy without the
69 consent of the person who is the subject of the requested testimony.

70 (4) (a) An emergency medical service provider or rescue unit peer support team
71 member may not be examined or compelled to provide information without the consent of the
72 person to whom peer support services have been provided as to any communication made by
73 the person to the peer support team member under the circumstances described in Subsection
74 (5).

75 (b) A recipient of peer support services may not be examined or compelled to provide
76 information regarding peer support communications without the consent of the individual
77 receiving the peer support services.

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

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

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

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

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

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

92 (c) the person receiving peer support is a clear and immediate danger to the person's
93 self or others;

94 (d) there is reasonable cause to believe that the person receiving peer support has a
95 mental illness and, due to the mental illness, is an imminent threat to the person's self or others
96 or is a person with a disability; or

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

Legislative Review Note
Office of Legislative Research and General Counsel