

Representative Lee B. Perry proposes the following substitute bill:

PUBLIC SAFETY PEER COUNSELING PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

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:



26 ENACTS:

27 [78B-5-901](#), Utah Code Annotated 1953

28 [78B-5-902](#), Utah Code Annotated 1953

29 [78B-5-903](#), Utah Code Annotated 1953

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

32 Section 1. Section [78B-5-901](#) is enacted to read:

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

34 **[78B-5-901](#). Public safety peer counseling.**

35 This part is known as "Public Safety Peer Counseling."

36 Section 2. Section [78B-5-902](#) is enacted to read:

37 **[78B-5-902](#). Definitions.**

38 As used in this part:

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

43 (2) "Emergency medical service provider or rescue unit peer support team member"
44 means a person who is:

45 (a) an emergency medical service provider as defined in Section [26-8a-102](#), a regular
46 or volunteer member of a rescue unit acting as an emergency responder as defined in Section
47 [53-2a-502](#), or another person who has been trained in peer support skills; and

48 (b) designated by the chief executive of an emergency medical service agency or the
49 chief of a rescue unit as a member of an emergency medical service provider's peer support
50 team or as a member of a rescue unit's peer support team.

51 (3) "Law enforcement or firefighter peer support team member" means a person who
52 is:

53 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer
54 member of a law enforcement agency, a regular or volunteer member of a fire department, or
55 another person who has been trained in peer support skills; and

56 (b) designated by the commissioner of the Department of Public Safety, the executive

57 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
58 of a law enforcement agency's peer support team or a fire department's peer support team.

59 (4) "Trained" means a person who has successfully completed a peer support training
60 program approved by the Peace Officer Standards and Training Division, the State Fire
61 Marshal's Office, or the Health Department, as applicable.

62 Section 3. Section **78B-5-903** is enacted to read:

63 **78B-5-903. Creation -- Training -- Communications -- Exclusions.**

64 (1) A law enforcement agency, fire department, emergency medical service agency, or
65 rescue unit:

66 (a) may create a peer support team; and

67 (b) if a peer support team is created, shall develop guidelines for the peer support team
68 and its members.

69 (2) A peer support team member shall complete a peer support training program
70 approved by the Peace Officer Standards and Training Division, the State Fire Marshal's
71 Office, or the Health Department, as applicable.

72 (3) In accordance with the Utah Rules of Evidence, a peer support team member may
73 refuse to disclose communications made by a person participating in peer support services,
74 including group therapy sessions.

75 (4) Subsection (3) applies only to communications made during individual interactions
76 conducted by a peer support team member who is:

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

80 (b) functioning within the written peer support guidelines that are in effect for the
81 member's respective law enforcement agency, fire department, emergency medical service
82 agency, or rescue unit.

83 (5) This part does not apply if:

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

87 (b) information received by a peer support team member is indicative of actual or

88 suspected child abuse, or actual or suspected child neglect;

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

91 (d) communication to a peer support team member establishes reasonable cause for the
92 peer support team member to believe that the person receiving peer support services is mentally
93 or emotionally unfit for duty; or

94 (e) communication to the peer support team member provides evidence that the person
95 who is receiving the peer support services has committed a crime, plans to commit a crime, or
96 intends to conceal a crime.