

HB0013S01 compared with HB0013

~~{deleted text}~~ shows text that was in HB0013 but was deleted in HB0013S01.

Inserted text shows text that was not in HB0013 but was inserted into HB0013S01.

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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

~~{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

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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:

78B-5-901, Utah Code Annotated 1953

78B-5-902, Utah Code Annotated 1953

78B-5-903, Utah Code Annotated 1953

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

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

Part 9. Public Safety Peer Counseling

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

~~{(1)}~~ This part is known as "Public Safety Peer Counseling."

~~{(2)}~~ Section 2. Section **78B-5-902** is enacted to read:

78B-5-902. Definitions.

As used in this ~~{chapter}~~ part:

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

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

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

~~{(ii)}~~ b) designated by the chief executive of an emergency medical service agency or

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the chief of a rescue unit as a member of an emergency medical service provider's peer support team or as a member of a rescue unit's peer support team.

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

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

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

~~(d)~~4 "Trained" means a person who has successfully completed a peer support training program approved by the Peace Officer Standards and Training Division~~;~~

~~— (3) (a), the State Fire Marshal's Office, or the Health Department, as applicable.~~

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

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

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

(a) may create a peer support team; and

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

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

(3) In accordance with the Utah Rules of Evidence, a peer support team member may ~~not be compelled to provide information or be examined during a deposition or trial without the consent of the person to whom the peer support team member has provided services regarding any communication made by the person to the peer support team member under the circumstances described in Subsection (5):~~

~~— (b) A peer support team member may not be examined or compelled to provide information regarding peer support}~~refuse to disclose communications ~~{without the consent of~~

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~~the individual receiving the~~ made by a person participating in peer support services ~~;~~

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

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

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

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

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

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

~~(6)5~~ This ~~section~~ part does not apply ~~in cases in which~~ if:

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

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

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

(d) ~~there is~~ communication to a peer support team member establishes reasonable

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cause for the peer support team member to believe that the person receiving peer support ~~{has a~~
~~mental illness and, due to the mental illness, is an imminent threat to the person's self or others~~
~~or is a person with a disability; or~~

~~— (c) }services is mentally or emotionally unfit for duty; or~~

(e) communication to the peer support team member ~~{has reasonable cause to believe~~
~~there is information indicative of any criminal conduct involving the individual}~~ provides
evidence that the person who is receiving the peer support services has committed a crime,
plans to commit a crime, or intends to conceal a crime.

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Legislative Review Note

Office of Legislative Research and General Counsel}