

HOUSE BILL 1325

D3, E4

1lr2572

By: **Delegates McComas, Cluster, and McDermott**

Introduced and read first time: March 4, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Privileged Communications – Critical Incident Stress Management and Peer**
3 **Support**

4 FOR the purpose of prohibiting a critical incident stress management team member
5 from disclosing certain confidential information acquired from a law
6 enforcement officer, correctional officer, or emergency responder in the course of
7 duty; prohibiting a critical incident stress management team member from
8 being compelled to testify in certain proceedings before a governmental unit;
9 prohibiting an individual who participates in a critical incident stress
10 management team intervention from disclosing certain confidential
11 information; prohibiting an individual who participates in a critical incident
12 stress management team intervention from being compelled to testify in certain
13 proceedings before a governmental unit; prohibiting a peer support member
14 from disclosing certain confidential information acquired from a law
15 enforcement officer in the course of duty; prohibiting a peer support member
16 from being compelled to testify in certain proceedings before a governmental
17 unit; prohibiting an individual who is present during the provision of peer
18 support services from disclosing certain confidential information; prohibiting an
19 individual who is present during the provision of peer support services from
20 being compelled to testify in certain proceedings before a governmental unit;
21 establishing certain exceptions to certain privileges; defining certain terms; and
22 generally relating to privileged communications acquired during the course of
23 critical incident stress management team interventions and in the provision of
24 peer support services.

25 BY adding to
26 Article – Courts and Judicial Proceedings
27 Section 9–112.1
28 Annotated Code of Maryland
29 (2006 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 **9–112.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “CORRECTIONAL OFFICER” HAS THE MEANING STATED IN
8 § 8–201 OF THE CORRECTIONAL SERVICES ARTICLE.

9 (3) “CRITICAL INCIDENT” MEANS:

10 (I) A SITUATION RESPONDED TO BY A LAW ENFORCEMENT
11 OFFICER, CORRECTIONAL OFFICER, OR EMERGENCY RESPONDER INVOLVING:

12 1. THE DEATH OF OR SERIOUS BODILY INJURY TO AN
13 INDIVIDUAL; OR

14 2. THE IMMINENT THREAT OF DEATH OF OR
15 SERIOUS BODILY INJURY TO AN INDIVIDUAL; OR

16 (II) ANY SITUATION FACED BY A LAW ENFORCEMENT
17 OFFICER, CORRECTIONAL OFFICER, OR EMERGENCY RESPONDER IN THE
18 COURSE OF DUTY WHICH CAUSES OR MAY CAUSE THE LAW ENFORCEMENT
19 OFFICER, CORRECTIONAL OFFICER, OR EMERGENCY RESPONDER TO HAVE AN
20 UNUSUALLY STRONG NEGATIVE EMOTIONAL REACTION.

21 (4) (I) “CRITICAL INCIDENT STRESS MANAGEMENT SERVICES”
22 MEANS A CONSULTATION, RISK ASSESSMENT, EDUCATION, INTERVENTION,
23 BRIEFING, DEFUSING, OR DEBRIEFING PROVIDED TO A LAW ENFORCEMENT
24 OFFICER, CORRECTIONAL OFFICER, OR EMERGENCY RESPONDER PRIOR TO,
25 DURING, OR AFTER A CRITICAL INCIDENT.

26 (II) “CRITICAL INCIDENT STRESS MANAGEMENT SERVICES”
27 INCLUDES ON–SITE SERVICES, REFERRAL, OR OTHER CRISIS INTERVENTION
28 SERVICES.

29 (5) “CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER”
30 MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO PROVIDE CRITICAL
31 INCIDENT STRESS MANAGEMENT SERVICES BY A LAW ENFORCEMENT AGENCY,
32 CORRECTIONAL FACILITY, OR EMERGENCY RESPONSE UNIT, OR BY AN

1 ORGANIZATION THAT IS REGISTERED WITH THE INTERNATIONAL CRITICAL
2 INCIDENT STRESS FOUNDATION.

3 (6) (I) "EMERGENCY RESPONDER" MEANS AN INDIVIDUAL
4 WHO IS SENT OR DIRECTED IN RESPONSE TO A REQUEST FOR ASSISTANCE.

5 (II) "EMERGENCY RESPONDER" INCLUDES:

6 1. A CAREER OR VOLUNTEER FIREFIGHTER IN THE
7 STATE;

8 2. A CAREER OR VOLUNTEER EMERGENCY MEDICAL
9 SERVICES PROVIDER, AS DEFINED IN § 13-516 OF THE EDUCATION ARTICLE, IN
10 THE STATE;

11 3. A CAREER OR VOLUNTEER RESCUE SQUAD
12 MEMBER IN THE STATE; AND

13 4. AN INDIVIDUAL WHO IS PERFORMING AN
14 EMERGENCY SUPPORT FUNCTION.

15 (7) "GOVERNMENTAL UNIT" HAS THE MEANING STATED IN
16 § 1-101 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

17 (8) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN
18 § 3-101 OF THE PUBLIC SAFETY ARTICLE.

19 (9) "PEER SUPPORT MEMBER" MEANS A LAW ENFORCEMENT
20 OFFICER WHO:

21 (I) IS ASSIGNED TO PROVIDE PEER SUPPORT SERVICES BY
22 A LAW ENFORCEMENT AGENCY;

23 (II) HAS RECEIVED AT LEAST 24 HOURS OF BASIC TRAINING
24 IN THE PROVISION OF PEER SUPPORT SERVICES, INCLUDING LISTENING,
25 ASSESSMENT, AND REFERRAL SKILLS AND BASIC CRITICAL INCIDENT STRESS
26 MANAGEMENT;

27 (III) RECEIVES AT LEAST 8 HOURS OF CONTINUING
28 EDUCATION TRAINING EACH YEAR; AND

29 (IV) MAY BE SUPERVISED IN THE PROVISION OF PEER
30 SUPPORT SERVICES BY A LICENSED PSYCHOLOGIST.

1 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

2 **(1) A CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER**
3 **MAY NOT:**

4 **(I) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED**
5 **FROM ANY LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR**
6 **EMERGENCY RESPONDER IN THE COURSE OF DUTY; OR**

7 **(II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING,**
8 **TRIAL, OR INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE**
9 **CONFIDENTIAL INFORMATION; AND**

10 **(2) AN INDIVIDUAL WHO PARTICIPATES IN A GROUP CRITICAL**
11 **INCIDENT STRESS MANAGEMENT TEAM INTERVENTION MAY NOT:**

12 **(I) DISCLOSE ANY COMMUNICATION MADE BY A LAW**
13 **ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR EMERGENCY**
14 **RESPONDER DURING THE CRITICAL STRESS MANAGEMENT TEAM**
15 **INTERVENTION; OR**

16 **(II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING,**
17 **TRIAL, OR INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE**
18 **COMMUNICATION.**

19 **(C) THE PRIVILEGES ESTABLISHED UNDER SUBSECTION (B) OF THIS**
20 **SECTION DO NOT APPLY IF:**

21 **(1) THE INFORMATION INDICATES A CLEAR AND IMMEDIATE**
22 **DANGER TO THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR**
23 **EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS**
24 **MANAGEMENT SERVICES OR TO ANOTHER INDIVIDUAL;**

25 **(2) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,**
26 **OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS**
27 **MANAGEMENT SERVICES EXPRESSLY CONSENTS TO THE DISCLOSURE; OR**

28 **(3) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,**
29 **OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS**
30 **MANAGEMENT SERVICES IS DECEASED AND THE SURVIVING SPOUSE OR THE**
31 **EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF THE DECEASED EXPRESSLY**
32 **CONSENTS TO THE DISCLOSURE.**

33 **(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION:**

1 **(1) A PEER SUPPORT MEMBER MAY NOT:**

2 **(I) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED**
3 **FROM A LAW ENFORCEMENT OFFICER IN THE COURSE OF DUTY; OR**

4 **(II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING,**
5 **TRIAL, OR INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE**
6 **CONFIDENTIAL INFORMATION; AND**

7 **(2) AN INDIVIDUAL WHO IS PRESENT DURING THE PROVISION OF**
8 **PEER SUPPORT SERVICES MAY NOT:**

9 **(I) DISCLOSE ANY COMMUNICATION MADE BY A LAW**
10 **ENFORCEMENT OFFICER DURING THE PROVISION OF PEER SUPPORT SERVICES;**
11 **OR**

12 **(II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING,**
13 **TRIAL, OR INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE**
14 **COMMUNICATION.**

15 **(E) THE PRIVILEGES ESTABLISHED UNDER SUBSECTION (D) OF THIS**
16 **SECTION DO NOT APPLY IF:**

17 **(1) THE INFORMATION INDICATES A CLEAR AND IMMINENT**
18 **DANGER TO THE LAW ENFORCEMENT OFFICER OR TO ANOTHER INDIVIDUAL;**

19 **(2) THE LAW ENFORCEMENT OFFICER WHO RECEIVED PEER**
20 **SUPPORT SERVICES EXPRESSLY CONSENTS TO THE DISCLOSURE; OR**

21 **(3) THE LAW ENFORCEMENT OFFICER WHO RECEIVED PEER**
22 **SUPPORT SERVICES IS DECEASED AND THE SURVIVING SPOUSE OR THE**
23 **EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF THE DECEASED EXPRESSLY**
24 **CONSENTS TO THE DISCLOSURE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2011.