

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 1325  
Judiciary

(Delegate McComas, *et al.*)

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Privileged Communications - Critical Incident Stress Management and Peer Support

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This bill prohibits a “critical incident stress management team member” or a person who participates in a group critical incident stress management team intervention from: (1) disclosing confidential information acquired from any law enforcement officer, correctional officer, or emergency responder (officer/responder) in the course of duty; or (2) being compelled to testify in a legal proceeding, trial, or investigation before any governmental unit on the confidential information. These privileges do not apply if: (1) the information indicates a clear and imminent danger to the officer/responder who received critical incident stress management services or to another individual; (2) the officer/responder who received services expressly consents to the disclosure; or (3) the officer/responder who received services is deceased and the surviving spouse or the estate executor or administrator expressly consents to the disclosure.

The bill establishes a similar privilege for a peer support member and an individual present during the provision of peer support services, as well as similar exceptions to the privilege.

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Fiscal Summary

**State Effect:** None. The bill is procedural and is not expected to materially affect State finances.

**Local Effect:** None. The bill is procedural and is not expected to materially affect local finances.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A “critical incident” is (1) a situation responded to by an officer/responder involving the death of or serious bodily injury to an individual or the imminent threat of death or serious bodily injury; or (2) any situation faced by an officer/responder in the course of duty which causes or may cause the officer/responder to have an unusually strong negative emotional reaction.

“Critical incident stress management services” means a consultation, risk assessment, education, intervention, briefing, defusing, or debriefing provided to an officer/responder prior to, during, or after a critical incident. Critical incident stress management services include on-site services, referral, or other crisis intervention services. A “critical incident stress management team member” is an individual who is specially trained to provide critical incident stress management services by a law enforcement agency, correctional facility, or emergency response unit, or by an organization that is registered with the International Critical Incident Stress Foundation.

**Current Law:** Current law provides testimonial privileges pertaining to communications between a client and several professionals who provide counseling services, including licensed psychologists, psychiatrists, professional counselors, and psychiatric-mental health nursing specialists. Under these privileges, a client or the client’s authorized representative has a privilege to refuse to disclose and prevent a witness from disclosing information relating to the diagnosis and treatment of the client or information that would show a medical record of diagnosis or treatment.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore, Garrett, and Montgomery counties; Department of Natural Resources; Judiciary (Administrative Office of the Courts); Department of State Police; Office of Administrative Hearing; Office of the Public Defender; Department of Public Safety and Correctional Service; State’s Attorneys’ Association; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2011  
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