

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 661

(Senator Jacobs, *et al.*)

Judicial Proceedings

Privileged Communications - Critical Incident Stress Management and Peer Support

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.

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.

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) a situation faced by an officer/responder in the course of duty that causes or may cause the officer/responder to have an unusually strong 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 or another critical incident stress management governing organization recognized by the Maryland Police Training Commission or the Maryland Fire and Rescue Institute.

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.

Additional Information

Prior Introductions: HB 1325 of 2011, a similar bill, was scheduled for a hearing in the House Judiciary Committee, but was later withdrawn.

Cross File: HB 1304 (Delegate McComas, *et al.*) - Judiciary.

Information Source(s): Baltimore and Garrett counties, Department of Natural Resources, Office of the Public Defender, Department of Public Safety and Correctional Services, State’s Attorneys’ Association, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2013
mm/kdm

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