

HOUSE BILL 1479

E4

8lr2119

By: **Delegates Fraser–Hidalgo, Folden, Glass, and McMillan**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Privileged Communications – Critical Incident Stress Management Services**

3 FOR the purpose of prohibiting a critical incident stress management team member from
4 disclosing certain communications or information acquired from a law enforcement
5 officer, a correctional officer, or an emergency responder in the course of providing
6 critical incident stress management services; prohibiting a critical incident stress
7 management team member from being compelled to testify in certain proceedings or
8 investigations; prohibiting an individual who participates in or is present during the
9 provision of critical incident stress management services from disclosing certain
10 communications; prohibiting an individual who participates in or is present during
11 the provision of critical incident stress management services or peer support services
12 from being compelled to testify in certain proceedings or investigations; establishing
13 certain exceptions; defining certain terms; and generally relating to privileged
14 communications acquired during the course of providing critical incident stress
15 management services.

16 BY adding to

17 Article – Public Safety

18 Section 1–601 and 1–602 to be under the new subtitle “Subtitle 6. Critical
19 Incident Stress Management Services”

20 Annotated Code of Maryland

21 (2011 Replacement Volume and 2017 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Public Safety**

25 **SUBTITLE 6. CRITICAL INCIDENT STRESS MANAGEMENT SERVICES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1-601.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "CORRECTIONAL OFFICER" HAS THE MEANING STATED IN
5 § 8-201 OF THE CORRECTIONAL SERVICES ARTICLE.

6 (C) "CRITICAL INCIDENT" MEANS:

7 (1) AN INCIDENT TO WHICH A LAW ENFORCEMENT OFFICER, A
8 CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER RESPONDS INVOLVING:

9 (I) THE DEATH OF OR SERIOUS BODILY INJURY TO AN
10 INDIVIDUAL; OR

11 (II) THE IMMINENT THREAT OF DEATH OF OR SERIOUS BODILY
12 INJURY TO AN INDIVIDUAL; OR

13 (2) AN INCIDENT TO WHICH A LAW ENFORCEMENT OFFICER, A
14 CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER RESPONDS IN THE
15 COURSE OF DUTY THAT CAUSES OR MAY CAUSE THE LAW ENFORCEMENT OFFICER,
16 CORRECTIONAL OFFICER, OR EMERGENCY RESPONDER TO SUFFER
17 PSYCHOLOGICAL OR EMOTIONAL TRAUMA.

18 (D) (1) "CRITICAL INCIDENT STRESS MANAGEMENT SERVICES" MEANS
19 INDIVIDUAL AND GROUP CONSULTATION, RISK ASSESSMENT, EDUCATION,
20 INTERVENTION, DEFUSING, BRIEFING, OR DEBRIEFING PROVIDED TO A LAW
21 ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY
22 RESPONDER DURING OR AFTER A CRITICAL INCIDENT.

23 (2) "CRITICAL INCIDENT STRESS MANAGEMENT SERVICES"
24 INCLUDES SERVICES AT THE SCENE OF A CRITICAL INCIDENT OR AT A LAW
25 ENFORCEMENT, A CORRECTIONAL, OR AN EMERGENCY RESPONDER FACILITY,
26 REFERRAL TO MEDICAL OR MENTAL HEALTH SERVICES, OR ANY OTHER CRISIS
27 INTERVENTION SERVICES.

28 (E) (1) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER"
29 MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO PROVIDE CRITICAL
30 INCIDENT STRESS MANAGEMENT SERVICES BY A LAW ENFORCEMENT AGENCY, A
31 CORRECTIONAL FACILITY, OR AN EMERGENCY RESPONSE UNIT, OR BY AN
32 ORGANIZATION THAT IS REGISTERED WITH THE INTERNATIONAL CRITICAL
33 INCIDENT STRESS FOUNDATION OR ANOTHER CRITICAL INCIDENT STRESS

1 MANAGEMENT GOVERNING ORGANIZATION RECOGNIZED BY THE MARYLAND
2 POLICE TRAINING AND STANDARDS COMMISSION OR THE MARYLAND FIRE AND
3 RESCUE INSTITUTE.

4 (2) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER"
5 INCLUDES A PEER SUPPORT MEMBER, LICENSED MENTAL HEALTH PROVIDER, AND
6 TEAM COORDINATOR.

7 (3) "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER"
8 DOES NOT INCLUDE AN INDIVIDUAL WHO WAS DIRECTLY INVOLVED IN THE CRITICAL
9 INCIDENT FOR WHICH CRITICAL INCIDENT STRESS MANAGEMENT SERVICES ARE
10 BEING PROVIDED.

11 (F) "EMERGENCY RESPONDER" INCLUDES:

12 (1) A CAREER OR VOLUNTEER FIREFIGHTER IN THE STATE;

13 (2) A CAREER OR VOLUNTEER EMERGENCY MEDICAL SERVICES
14 PROVIDER, AS DEFINED IN § 13-516 OF THE EDUCATION ARTICLE, IN THE STATE;
15 AND

16 (3) A CAREER OR VOLUNTEER RESCUE SQUAD MEMBER IN THE
17 STATE.

18 (G) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101
19 OF THIS ARTICLE.

20 (H) (1) "PEER SUPPORT MEMBER" MEANS A LAW ENFORCEMENT
21 OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER WHO:

22 (I) IS ASSIGNED BY A SUPERVISOR TO PROVIDE CRITICAL
23 INCIDENT STRESS MANAGEMENT SERVICES;

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

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

30 (IV) IS SUPPORTED IN THE PROVISION OF CRITICAL INCIDENT
31 STRESS MANAGEMENT SERVICES BY A LICENSED MENTAL HEALTH PROVIDER.

1 **(2) “PEER SUPPORT MEMBER” DOES NOT INCLUDE AN INDIVIDUAL**
2 **WHO WAS DIRECTLY INVOLVED IN THE CRITICAL INCIDENT FOR WHICH CRITICAL**
3 **INCIDENT STRESS MANAGEMENT SERVICES ARE BEING PROVIDED.**

4 **1-602.**

5 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

6 **(1) A CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER MAY**
7 **NOT:**

8 **(I) DISCLOSE ANY COMMUNICATION OR INFORMATION**
9 **RECEIVED OR ACQUIRED IN CONFIDENCE FROM A LAW ENFORCEMENT OFFICER, A**
10 **CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER IN THE COURSE OF**
11 **PROVIDING CRITICAL INCIDENT STRESS MANAGEMENT SERVICES; OR**

12 **(II) BE COMPELLED TO TESTIFY IN ANY ADMINISTRATIVE**
13 **PROCEEDING OR ANY INVESTIGATION BY A GOVERNMENTAL UNIT ABOUT ANY**
14 **COMMUNICATION OR INFORMATION RECEIVED OR ACQUIRED IN CONFIDENCE FROM**
15 **A LAW ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY**
16 **RESPONDER IN THE COURSE OF PROVIDING CRITICAL INCIDENT STRESS**
17 **MANAGEMENT SERVICES; AND**

18 **(2) AN INDIVIDUAL WHO PARTICIPATES IN OR IS PRESENT DURING**
19 **THE PROVISION OF CRITICAL INCIDENT STRESS MANAGEMENT SERVICES MAY NOT:**

20 **(I) DISCLOSE ANY COMMUNICATION MADE BY A LAW**
21 **ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY**
22 **RESPONDER DURING THE PROVISION OF CRITICAL INCIDENT STRESS MANAGEMENT**
23 **SERVICES; OR**

24 **(II) BE COMPELLED TO TESTIFY IN ANY ADMINISTRATIVE**
25 **PROCEEDING OR ANY INVESTIGATION BY A GOVERNMENTAL UNIT ABOUT THE**
26 **COMMUNICATION.**

27 **(B) THE PRIVILEGES ESTABLISHED UNDER SUBSECTION (A) OF THIS**
28 **SECTION DO NOT APPLY IF:**

29 **(1) THE COMMUNICATION OR INFORMATION IS SOUGHT IN**
30 **CONNECTION TO A CIVIL OR CRIMINAL JUDICIAL PROCEEDING;**

31 **(2) THE COMMUNICATION OR INFORMATION INDICATES A CLEAR AND**

1 IMMEDIATE DANGER TO THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,
2 OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
3 MANAGEMENT SERVICES OR TO ANOTHER INDIVIDUAL;

4 (3) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR
5 EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
6 MANAGEMENT SERVICES EXPRESSLY CONSENTS TO THE DISCLOSURE; OR

7 (4) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR
8 EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
9 MANAGEMENT SERVICES IS DECEASED AND THE SURVIVING SPOUSE OR THE
10 PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEASED EXPRESSLY
11 CONSENTS TO THE DISCLOSURE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.