

SENATE BILL 104

D3, E4
SB 822/16 – JPR

(PRE-FILED)

8lr1219

By: **Senator Norman**

Requested: November 15, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

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 – Courts and Judicial Proceedings
18 Section 9–125
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2017 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 **9–125.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) “CORRECTIONAL OFFICER” HAS THE MEANING STATED IN
4 § 8-201 OF THE CORRECTIONAL SERVICES ARTICLE.

5 (3) “CRITICAL INCIDENT” MEANS:

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

8 1. THE DEATH OF OR SERIOUS BODILY INJURY TO AN
9 INDIVIDUAL; OR

10 2. THE IMMINENT THREAT OF DEATH OF OR SERIOUS
11 BODILY INJURY TO AN INDIVIDUAL; OR

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

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

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

27 (5) (I) “CRITICAL INCIDENT STRESS MANAGEMENT TEAM
28 MEMBER” MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO PROVIDE
29 CRITICAL INCIDENT STRESS MANAGEMENT SERVICES BY A LAW ENFORCEMENT
30 AGENCY, A CORRECTIONAL FACILITY, OR AN EMERGENCY RESPONSE UNIT, OR BY AN
31 ORGANIZATION THAT IS REGISTERED WITH THE INTERNATIONAL CRITICAL
32 INCIDENT STRESS FOUNDATION OR ANOTHER CRITICAL INCIDENT STRESS
33 MANAGEMENT GOVERNING ORGANIZATION RECOGNIZED BY THE MARYLAND
34 POLICE TRAINING AND STANDARDS COMMISSION OR THE MARYLAND FIRE AND

1 **RESCUE INSTITUTE.**

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

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

9 (6) "EMERGENCY RESPONDER" INCLUDES:

10 (I) A CAREER OR VOLUNTEER FIREFIGHTER IN THE STATE;

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

14 (III) A CAREER OR VOLUNTEER RESCUE SQUAD MEMBER IN THE
15 STATE.

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

18 (8) (I) "PEER SUPPORT MEMBER" MEANS A LAW ENFORCEMENT
19 OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER WHO:

20 1. IS ASSIGNED BY A SUPERVISOR TO PROVIDE CRITICAL
21 INCIDENT STRESS MANAGEMENT SERVICES;

22 2. HAS RECEIVED AT LEAST 24 HOURS OF BASIC
23 TRAINING IN THE PROVISION OF CRITICAL INCIDENT STRESS MANAGEMENT
24 SERVICES, INCLUDING LISTENING, ASSESSMENT, AND REFERRAL SKILLS, AND BASIC
25 CRITICAL INCIDENT STRESS MANAGEMENT;

26 3. RECEIVES AT LEAST 8 HOURS OF CONTINUING
27 EDUCATION TRAINING EACH YEAR; AND

28 4. IS SUPPORTED IN THE PROVISION OF CRITICAL
29 INCIDENT STRESS MANAGEMENT SERVICES BY A LICENSED MENTAL HEALTH
30 PROVIDER.

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

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

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

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

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

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

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

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

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

28 **(1) THE COMMUNICATION OR INFORMATION INDICATES A CLEAR AND**
29 **IMMINENT DANGER TO THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,**
30 **OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS**
31 **MANAGEMENT SERVICES OR TO ANOTHER INDIVIDUAL;**

32 **(2) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR**
33 **EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS**

1 MANAGEMENT SERVICES EXPRESSLY CONSENTS TO THE DISCLOSURE; OR

2 (3) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR
3 EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
4 MANAGEMENT SERVICES IS DECEASED AND THE SURVIVING SPOUSE OR THE
5 PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEASED EXPRESSLY
6 CONSENTS TO THE DISCLOSURE.

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