

SENATE BILL 661

D3, E4
HB 1325/11 – JUD

3lr2154
CF 3lr2149

By: **Senators Jacobs, Astle, Brinkley, Colburn, DeGrange, Dyson, Getty, Glassman, Jennings, Kittleman, Klausmeier, Middleton, Muse, Peters, Pipkin, Reilly, and Simonaire**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

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

25 BY adding to
26 Article – Courts and Judicial Proceedings
27 Section 9–112.1
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2012 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 **9–112.1.**

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

8 (2) “CORRECTIONAL OFFICER” HAS THE MEANING STATED IN
9 § 8–201 OF THE CORRECTIONAL SERVICES ARTICLE.

10 (3) “CRITICAL INCIDENT” MEANS:

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

14 1. THE DEATH OF OR SERIOUS BODILY INJURY TO AN
15 INDIVIDUAL; OR

16 2. THE IMMINENT THREAT OF DEATH OF OR
17 SERIOUS BODILY INJURY TO AN INDIVIDUAL; OR

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

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

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

1 **(5) “CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER”**
2 **MEANS AN INDIVIDUAL WHO IS SPECIALLY TRAINED TO PROVIDE CRITICAL**
3 **INCIDENT STRESS MANAGEMENT SERVICES BY A LAW ENFORCEMENT AGENCY, A**
4 **CORRECTIONAL FACILITY, OR AN EMERGENCY RESPONSE UNIT, OR BY AN**
5 **ORGANIZATION THAT IS REGISTERED WITH THE INTERNATIONAL CRITICAL**
6 **INCIDENT STRESS FOUNDATION OR ANOTHER CRITICAL INCIDENT STRESS**
7 **MANAGEMENT GOVERNING ORGANIZATION RECOGNIZED BY THE MARYLAND**
8 **POLICE TRAINING COMMISSION OR THE MARYLAND FIRE AND RESCUE**
9 **INSTITUTE.**

10 **(6) (I) “EMERGENCY RESPONDER” MEANS AN INDIVIDUAL**
11 **WHO IS SENT OR DIRECTED IN RESPONSE TO A REQUEST FOR ASSISTANCE.**

12 **(II) “EMERGENCY RESPONDER” INCLUDES:**

13 1. **A CAREER OR VOLUNTEER FIREFIGHTER IN THE**
14 **STATE;**

15 2. **A CAREER OR VOLUNTEER EMERGENCY MEDICAL**
16 **SERVICES PROVIDER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE, IN**
17 **THE STATE;**

18 3. **A CAREER OR VOLUNTEER RESCUE SQUAD**
19 **MEMBER IN THE STATE; AND**

20 4. **AN INDIVIDUAL WHO IS PERFORMING AN**
21 **EMERGENCY SUPPORT FUNCTION.**

22 **(7) “GOVERNMENTAL UNIT” HAS THE MEANING STATED IN**
23 **§ 1–101 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

24 **(8) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN**
25 **§ 3–101 OF THE PUBLIC SAFETY ARTICLE.**

26 **(9) “PEER SUPPORT MEMBER” MEANS:**

27 **(I) A LAW ENFORCEMENT OFFICER WHO:**

28 1. **IS ASSIGNED TO PROVIDE PEER SUPPORT**
29 **SERVICES BY A LAW ENFORCEMENT AGENCY;**

30 2. **HAS RECEIVED AT LEAST 24 HOURS OF BASIC**
31 **TRAINING IN THE PROVISION OF PEER SUPPORT SERVICES, INCLUDING**

1 LISTENING, ASSESSMENT, AND REFERRAL SKILLS AND BASIC CRITICAL
2 INCIDENT STRESS MANAGEMENT;

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

5 4. MAY BE SUPERVISED IN THE PROVISION OF PEER
6 SUPPORT SERVICES BY A LICENSED MENTAL HEALTH PROFESSIONAL; OR

7 (II) AN EMERGENCY RESPONDER WHO:

8 1. IS ASSIGNED BY A SUPERVISOR TO PROVIDE PEER
9 SUPPORT SERVICES;

10 2. HAS RECEIVED AT LEAST 24 HOURS OF BASIC
11 TRAINING IN THE PROVISION OF PEER SUPPORT SERVICES, INCLUDING
12 LISTENING, ASSESSMENT, AND REFERRAL SKILLS AND BASIC CRITICAL
13 INCIDENT STRESS MANAGEMENT;

14 3. RECEIVES AT LEAST 8 HOURS OF CONTINUING
15 EDUCATION TRAINING EACH YEAR; AND

16 4. MAY BE SUPERVISED IN THE PROVISION OF PEER
17 SUPPORT SERVICES BY A LICENSED MENTAL HEALTH PROFESSIONAL.

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

19 (1) A CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER
20 MAY NOT:

21 (I) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED
22 FROM A LAW ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN
23 EMERGENCY RESPONDER IN THE COURSE OF DUTY; OR

24 (II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING, A
25 TRIAL, OR AN INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE
26 CONFIDENTIAL INFORMATION; AND

27 (2) AN INDIVIDUAL WHO PARTICIPATES IN A GROUP CRITICAL
28 INCIDENT STRESS MANAGEMENT TEAM INTERVENTION MAY NOT:

29 (I) DISCLOSE ANY COMMUNICATION MADE BY A LAW
30 ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY

1 RESPONDER DURING THE CRITICAL STRESS MANAGEMENT TEAM
2 INTERVENTION; OR

3 (II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING, A
4 TRIAL, OR AN INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE
5 COMMUNICATION.

6 (C) THE PRIVILEGES ESTABLISHED UNDER SUBSECTION (B) OF THIS
7 SECTION DO NOT APPLY IF:

8 (1) THE INFORMATION INDICATES A CLEAR AND IMMINENT
9 DANGER TO THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR
10 EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
11 MANAGEMENT SERVICES OR TO ANOTHER INDIVIDUAL;

12 (2) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,
13 OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
14 MANAGEMENT SERVICES EXPRESSLY CONSENTS TO THE DISCLOSURE; OR

15 (3) THE LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER,
16 OR EMERGENCY RESPONDER WHO RECEIVED CRITICAL INCIDENT STRESS
17 MANAGEMENT SERVICES IS DECEASED AND THE SURVIVING SPOUSE OR THE
18 EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF THE DECEASED EXPRESSLY
19 CONSENTS TO THE DISCLOSURE.

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

21 (1) A PEER SUPPORT MEMBER MAY NOT:

22 (I) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED
23 FROM A LAW ENFORCEMENT OFFICER OR AN EMERGENCY RESPONDER IN THE
24 COURSE OF DUTY; OR

25 (II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING, A
26 TRIAL, OR AN INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE
27 CONFIDENTIAL INFORMATION; AND

28 (2) AN INDIVIDUAL WHO IS PRESENT DURING THE PROVISION OF
29 PEER SUPPORT SERVICES MAY NOT:

30 (I) DISCLOSE ANY COMMUNICATION MADE BY A LAW
31 ENFORCEMENT OFFICER OR AN EMERGENCY RESPONDER DURING THE
32 PROVISION OF PEER SUPPORT SERVICES; OR

1 **(II) BE COMPELLED TO TESTIFY IN A LEGAL PROCEEDING, A**
2 **TRIAL, OR AN INVESTIGATION BEFORE ANY GOVERNMENTAL UNIT ON THE**
3 **COMMUNICATION.**

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

6 **(1) THE INFORMATION INDICATES A CLEAR AND IMMINENT**
7 **DANGER TO THE LAW ENFORCEMENT OFFICER, EMERGENCY RESPONDER, OR TO**
8 **ANOTHER INDIVIDUAL;**

9 **(2) THE LAW ENFORCEMENT OFFICER OR EMERGENCY**
10 **RESPONDER WHO RECEIVED PEER SUPPORT SERVICES EXPRESSLY CONSENTS**
11 **TO THE DISCLOSURE; OR**

12 **(3) THE LAW ENFORCEMENT OFFICER OR EMERGENCY**
13 **RESPONDER WHO RECEIVED PEER SUPPORT SERVICES IS DECEASED AND THE**
14 **SURVIVING SPOUSE OR THE EXECUTOR OR ADMINISTRATOR OF THE ESTATE OF**
15 **THE DECEASED EXPRESSLY CONSENTS TO THE DISCLOSURE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.