

# SENATE BILL 461

D3, E4

4lr1559

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By: **Senators Raskin and Jacobs**

Introduced and read first time: January 27, 2014

Assigned to: Judicial Proceedings

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

17 BY adding to

18 Article – Courts and Judicial Proceedings

19 Section 9–125

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2013 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 **9–125.**

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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**  
2 **MEANINGS 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**  
7 **OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER**  
8 **RESPONDS, INVOLVING:**

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

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

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

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

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

1 MARYLAND POLICE TRAINING COMMISSION OR THE MARYLAND FIRE AND  
2 RESCUE INSTITUTE.

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

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

10 (6) "EMERGENCY RESPONDER" INCLUDES:

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

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

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

17 (7) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN  
18 § 3-101 OF THE PUBLIC SAFETY ARTICLE.

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

22 1. IS ASSIGNED BY A SUPERVISOR TO PROVIDE  
23 CRITICAL INCIDENT STRESS MANAGEMENT SERVICES;

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

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

1                   4.    IS SUPPORTED IN THE PROVISION OF CRITICAL  
2 INCIDENT STRESS MANAGEMENT SERVICES BY A LICENSED MENTAL HEALTH  
3 PROVIDER.

4                   (ii)   “PEER SUPPORT MEMBER” DOES NOT INCLUDE AN  
5 INDIVIDUAL WHO WAS DIRECTLY INVOLVED IN THE CRITICAL INCIDENT FOR  
6 WHICH CRITICAL INCIDENT STRESS MANAGEMENT SERVICES ARE BEING  
7 PROVIDED.

8           (b)    EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

9                   (1)    A CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER  
10 MAY NOT:

11                   (i)    DISCLOSE ANY COMMUNICATION OR INFORMATION  
12 RECEIVED OR ACQUIRED IN CONFIDENCE FROM A LAW ENFORCEMENT OFFICER,  
13 A CORRECTIONAL OFFICER, OR AN EMERGENCY RESPONDER IN THE COURSE OF  
14 PROVIDING CRITICAL INCIDENT STRESS MANAGEMENT SERVICES; OR

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

21                   (2)    AN INDIVIDUAL WHO PARTICIPATES IN OR IS PRESENT  
22 DURING THE PROVISION OF CRITICAL INCIDENT STRESS MANAGEMENT  
23 SERVICES MAY NOT:

24                   (i)    DISCLOSE ANY COMMUNICATION MADE BY A LAW  
25 ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, OR AN EMERGENCY  
26 RESPONDER DURING THE PROVISION OF CRITICAL INCIDENT STRESS  
27 MANAGEMENT SERVICES; OR

28                   (ii)   BE COMPELLED TO TESTIFY IN ANY JUDICIAL OR  
29 ADMINISTRATIVE PROCEEDING OR ANY INVESTIGATION BY A GOVERNMENTAL  
30 UNIT ABOUT THE COMMUNICATION.

31           (c)    THE PRIVILEGES ESTABLISHED UNDER SUBSECTION (B) OF THIS  
32 SECTION DO NOT APPLY IF:

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

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

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

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2014.