

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 326

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Judiciary

Public Safety - Law Enforcement Agencies - Peer Support Programs

This bill prohibits, with specified exceptions, the disclosure of the contents of any written or oral communication regarding a peer support interaction by a “peer support specialist” or a peer support program participant. A peer support specialist must inform the peer support program participant in writing of the bill’s confidentiality provisions before the initial peer support interaction with a peer support program participant.

Fiscal Summary

State Effect: State law enforcement agencies can likely modify existing peer support programs to meet the bill’s requirements using existing budgeted resources. Revenues are not affected.

Local Effect: Potential minimal increase in local government expenditures to the extent that local law enforcement agencies must modify existing peer support programs to meet the bill’s requirements. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Peer support program” means a program provided by a law enforcement agency or the Fraternal Order of Police (FOP) that provides counseling services from a peer support specialist to a law enforcement officer.

“Peer support specialist” means a law enforcement officer or a member of the FOP who (1) has received training in peer support, including emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic

experience in the course of duty as a law enforcement officer and (2) is designated by the law enforcement agency to provide these services.

The prohibition on disclosure of the contents of any written or oral communication under the bill does not apply if (1) the communication contains an explicit threat of suicide, as specified, an explicit threat of imminent and serious bodily harm or death to a clearly identified or identifiable individual, information relating to the abuse or neglect of a child or vulnerable adult or abuse or neglect that is otherwise required to be reported by law, or the admission of criminal conduct; (2) the disclosure is authorized by each peer support participant who was a party to the communication; or (3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication.

Current Law:

Employee Assistance Programs

Each law enforcement agency must provide access to an employee assistance program for all police officers whom the law enforcement agency employs. The employee assistance program must provide police officers access to confidential mental health services, including counseling services, crisis counseling, stress management counseling, resiliency sessions, and peer support services for police officers.

In addition to a confidential and nonpunitive early intervention system to identify police officers who are at risk of engaging in the use of excessive force, and as part of the employee assistance program, before a police officer returns to full duty, a law enforcement agency must provide (1) a voluntary mental health consultation and voluntary counseling services to the police officer if the police officer is involved in an incident involving an accident resulting in a fatality and (2) a mandatory mental health consultation and voluntary counseling services to the police officer if the police officer is involved in an incident involving:

- a serious injury to the police officer;
- an officer-involved shooting; or
- any use of force resulting in a fatality or serious injury.

A mental health consultation and counseling service provided under these provisions must be confidential.

The employee assistance program must include a component designed to protect the mental health of police officers during periods of public demonstrations and unrest. Each law enforcement agency must develop a policy to provide access to the required services at no cost to a police officer.

“Employee assistance program” means a work-based program offered to all police officers that provides access to voluntary and confidential services to address the mental health issues of a police officer stemming from personal and work-related concerns, including stress, financial issues, legal issues, family problems, office conflicts, and alcohol and substance abuse disorders.

State Critical Incident Stress Management Team

The Maryland Institute for Emergency Medical Services Systems (MIEMSS) State Critical Incident Stress Management (CISM) team assists Emergency Medical System, fire, law enforcement, dispatch centers, and other responders in mitigating and responding to the normal emotional and psychological effects experienced following stressful responses and critical incidents. According to MIEMSS, this is accomplished through education and training in advance of events and in individual and group discussions following critical incidents. The CISM team is made up of volunteer peer support and licensed mental health personnel who have been trained to assist responders in dealing with normal reactions to abnormal events. Communications with the team are voluntary and confidential.

Officer and Community Wellness Training Grant Fund

Chapters 752 and 753 of 2023 established the Officer and Community Wellness Training Grant Fund, a special fund administered by the Governor’s Office of Crime Prevention and Policy, to provide grants to local law enforcement agencies for Mental Health First Aid for Public Safety training and CISM peer support training. The fiscal 2026 budget as introduced does not include an appropriation for the fund.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 309 (Delegate Cardin) - Judiciary.

Information Source(s): Baltimore City; Calvert and Prince George’s counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Comptroller’s Office; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary’s College of Maryland; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Maryland Institute for Emergency Medical Services Systems; Department of Legislative Services

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